



**MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2018 BCC 24

**A RESOLUTION AMENDING VARIOUS SECTIONS OF THE MORGAN
COUNTY ZONING REGULATIONS CONCERNING OIL AND GAS
OPERATIONS AND OTHER RELATED AMENDMENTS**

WHEREAS, the Board of County Commissioners desires to amend its Zoning Regulations to recategorize oil and gas uses to reflect the current application of its regulations to oil and gas uses and adopt procedures regarding certain applications for specific oil and gas operations;

WHEREAS, on March 27, 2018, the Board of County Commissioners did adopt use categorizations for oil and gas operations;

WHEREAS, the Board now desires to revisit those use categorizations previously adopted;

WHEREAS, to complement the adoption of use categorizations for oil and gas operations, the Board believes it is in the best interest of the County to adopt certain procedural and land use regulations for oil and gas operations; and

WHEREAS, the Board of County Commissioners has complied with all relevant provisions of the Morgan County Zoning Regulations, as well as the requirements of C.R.S. § 30-28-116, for amending the Morgan County Zoning Regulations.

NOW THEREFORE BE IT RESOLVED by the Morgan County Board of County Commissioners as follows:

1. Section 3-170(P), Agriculture Zone Uses-By-Right, Parcels Larger Than 20 Acres, of the Morgan County Zoning Regulations, is hereby amended to read as follows:

(P) Injection wells, except commercial disposal injection wells.

2. Section 3-170(L), Agriculture Zone Uses-By-Right, Parcels 20 Acres or Smaller, of the Morgan County Zoning Regulations, is hereby amended to read as follows:

(L) Injection wells, except commercial disposal injection wells

3. Section 3-175(D), Agriculture Zone Conditional Uses, Parcels Larger Than 20 Acres, of the Morgan County Zoning Regulations, is hereby amended to read as follows:

(D) Commercial disposal injection wells.

4. Section 3-175(D), Agriculture Zone Conditional Uses, Parcel 20 Acres or Smaller, of the Morgan County Zoning Regulations, is hereby amended to read as follows:

(D) Commercial disposal injection wells.

5. Section 3-190(L), Agriculture/Agri-Business Zone Uses-by-Right, of the Morgan County Zoning Regulations is hereby amended to read as follows:

(L) Injection wells, except commercial disposal injection wells.

6. Section 3-195(C), Agriculture/Agri-Business Zone Conditional Uses, of the Morgan County Zoning Regulations is amended to read as follows:

(C) Commercial disposal injection wells.

7. Section 3-333.5(K), Light Industrial Zone Uses-by-Right, of the Morgan County Zoning Regulations is hereby amended to read as follows:

(K) Injection wells, except commercial disposal injection wells.

8. Section 3-340(HH), Light Industrial Zone Conditional Uses, of the Morgan County Zoning Regulations is hereby amended to read as follows:

(HH) Commercial disposal injection wells.

9. Section 3-355.5(J), Heavy Industrial Uses-by-Right, of the Morgan County Zoning Regulations is hereby amended to read as follows:

(J) Injection wells, except commercial disposal injection wells.

10. Section 3-360(G), Heavy Industrial Conditional Uses, of the Morgan County Zoning Regulations is hereby amended to read as follows:

(G) Commercial disposal injection wells

11. Section 2-105 of the Morgan County Zoning Regulations shall be amended by the addition of new subsection (E) to read as follows:

(E) May be erected over an abandoned oil or gas well.

12. Table 1, Appendix B of the Morgan County Zoning Regulations is hereby amended by the addition of a new footnote on both pages of the Table:

f. All structures shall comply with the setbacks required pursuant to Sec. 4-476.

13. Sections 4-455 through 4-495 of the Morgan County Zoning Regulations are hereby repealed and Sections 4-452 and 4-474 are adopted as provided in **Exhibit A**, attached hereto and incorporated herein by reference.

APPROVED this 31st day of July, 2018, *nunc pro tunc* July 24, 2018.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO



Mark A. Arndt, Chairman



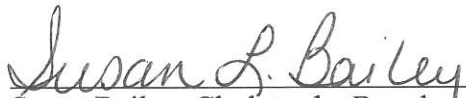
Laura D. Teague, Commissioner



James P. Zwetzig, Commissioner



ATTEST:
(SEAL)



Susan Bailey, Clerk to the Board

OIL AND GAS REGULATIONS

4-452 Definitions

All terms used in these Oil and Gas Regulations that are not otherwise defined in this section, or the Zoning Regulations, are defined as provided in the Act or in such regulations adopted by the Commission. All other words used in these Oil and Gas Regulations are given their usual, customary and accepted meaning, and all words of a technical nature or peculiar to the oil and gas industry shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in this article have the following meanings:

Act: the Oil and Gas Conservation Act, C.R.S. § 34-60-101 *et seq.*, as may be amended.

COGCC or Commission means the Colorado Oil and Gas Conservation Commission.

Commercial disposal injectionwell: any hole drilled into the earth into which Class II waste is injected for the purposes of storage or disposal from a third party for financial profit, pursuant to authorizations granted by the Commission.

Gas storage well: any well drilled for the injection, withdrawal, production, observation, or monitoring of natural gas stored in underground formations. The fact that any such well is used incidentally for the production of native gas or the enhanced recovery of native hydrocarbons shall not affect its status as a gas storage well.

Injection well: any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage or disposal, pursuant to authorizations granted by the Commission.

Oil and gas facility: equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.

Oil and gas location: a definable area where an operator has disturbed or intends to disturb the land surface in order to locate an oil and gas facility.

Oil and/or gas well: any hole drilled into the earth for the purpose of exploring for or extracting oil, gas or other hydrocarbon substances

Oil and gas operations: exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking, or abandonment of an oil and gas well, underground injection well, or gas storage well; production operations related to any such well, including the installation of flowlines and gathering systems; off-location flowlines and gathering lines; the generation, transportation, storage, treatment, or disposal of exploration and production wastes; and any construction, site preparation, or reclamation activities associated with such operations.

Operator: the person designated by the working interest owners as operator and named in Commission Form 2 or a subsequently filed Commission Form 10.

Owner: any person with a working interest ownership in oil and gas or a leasehold interest therein.

Production site: the area surrounding proposed or existing production pits or other accessory equipment required for oil and gas production, at which may also be located tanks and tank batteries, exclusive of transmission and gathering pipelines.

Production facility: any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline and other equipment direction associated with the oil and/or gas wells or injection wells. Production facilities located on the same property as an oil or gas well or injection well shall be considered accessory uses to that well.

Secondary recovery: A technique of recovering additional crude from a mineralized zone by injecting steam, water and similar methods in an effort to force more of the crude to a production well.

Well: an oil and gas well or an injection well.

Well site: the areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well and its associated well pad.

Wellhead: the equipment attaching the surface equipment to the well bore equipment at the well.

4-454 Compliance with Regulations

- (A) In addition to compliance with those conditions required herein or imposed by the Zoning Regulations, an applicant seeking use approval for oil or gas operations or facilities shall comply with the conditions and requirements of these Oil and Gas Regulations and all other state or federal regulations.
- (B) It shall be unlawful for any person to commence any oil and gas operation or facility that has not been previously permitted under the Zoning Regulations, reactivate a plugged or abandoned well or perform initial installation of accessory equipment or pumping systems (in cases where a well is not being drilled) unless the applicable permit has first been granted by the County.
- (C) In recognition of the potential impacts associated with oil and gas operations, all wells and accessory equipment and structures may be inspected by the County and any designated inspectors at reasonable times to determine compliance with applicable provisions of the Zoning Regulations, these Oil and Gas Regulations, and the Building Code as adopted by the County and all other applicable County regulations and/or health or safety standards, adopted by the County. For the purpose of implementing and enforcing the provisions of County regulations, County personnel or appointed agents

have the right to enter upon private property after reasonable notification to the operator. The County shall not inspect a site without an operator or operator's representative being present; however, the operator shall comply promptly with the request of the County to inspect.

4-456 Pre-Application Meeting

Prior to submitting an application for any oil and gas operation or facility which requires a conditional or special use permit, the applicant is required to attend a pre-application meeting with County Planning staff. At the pre-application meeting, the applicant will receive direction from County staff that will provide necessary information that will enable the applicant to submit a complete application to the County. At that time the County will also provide a list of applicable referral agencies that will be asked to provide input and comment on an application.

4-458 Applications

In addition to any submittal documents required by Sections 2-495 or 2-510 of the Zoning Regulations for the applicable use permit, except as modified by these Oil and Gas Regulations, any application for any oil and gas operation or facility requiring a conditional or special use permit, shall contain the following items:

- (A) Location Drawing. A scaled drawing, or scaled aerial photograph showing the approximate outline of the oil and gas location and all wells and/or production facilities used for measuring distances shall be attached. The drawing shall include all visible improvements within five hundred (500) feet of the proposed oil and gas location (as measured from the proposed edge of disturbance), with a horizontal distance and approximate bearing from the oil and gas facilities. Visible improvements shall include, but not be limited to, all buildings, publicly maintained roads and trails, fences, above-ground utility lines, railroads, pipelines or pipeline markers, mines, oil wells, gas wells, injection wells, water wells known to the operator and those registered with the Colorado State Engineer, known springs, plugged wells, known sewers with manholes, standing bodies of water, and natural channels including permanent canals and ditches through which water may flow. If there are no visible improvements within five hundred (500) feet of a proposed oil and gas location, it shall be so noted on the application.
- (B) Location Pictures. A minimum of four (4) color photographs, one (1) of the staked location from each cardinal direction shall be attached. Each photograph shall be identified by: date taken, well or location name, and direction of view.
- (C) A list of major equipment components to be used in conjunction with drilling and operating the well(s), including all tanks, pits, flares, combustion.
- (D) Hydrology Map. A topographic map showing all surface waters and riparian areas within one thousand (1,000) feet of the proposed oil and gas location, with a horizontal distance and approximate bearing from the oil and gas location.

- (E) Access Road Map. An 8 1/2" by 11" vicinity map, U.S. Geological Survey topographic map, or scaled aerial photograph showing the access route from the highway or county road to the proposed oil and gas location.
- (F) NRCS Map Unit Description. Natural Resources Conservation Service (NRCS) soil map unit description.
- (G) Contact information for the surface owner(s) and an indication as to whether there is a surface use agreement(s) or any other agreement(s) between the applicant and the surface owner(s) for the proposed oil and gas location.
- (H) A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies. Copies of all applications submitted to other local, state or federal agencies shall be included, along with any issued permits or permissions.
- (I) A plan for weed control at the production or well site.
- (J) Application for a floodplain development permit, if applicable.
- (K) A report from a traffic engineer providing estimated number of daily trips by vehicle type and recommended roadway surface maintenance and/or improvements.
- (L) The names of adjacent subdivisions and/or the names of owners of properties within one thousand three hundred and twenty (1,320) feet of the oil and gas location. The identity of any municipality or county whose boundary is within one thousand three hundred and twenty (1,320) feet of the oil and gas location.

4-460 Procedures

- (A) Except as provided for in these Oil and Gas Regulations, applications for oil and gas operations shall processed as provided for in these Zoning Regulations for the applicable use permit.
- (B) If determined by the Planning Department to be necessary, due to the intensity or size of the oil and gas operation, the applicant shall conduct a neighborhood meeting, prior to consideration of the application by the Planning Commission or consideration by the Planning Department, at a convenient public location on the subject property or at the closest practical location to the subject site at a time to allow surrounding land owners the best opportunity to attend. Applicants for off-location flowlines and gathering lines should discuss with the Planning Department the appropriate location for a neighborhood meeting or if more than one meeting in necessary due to the length of the line.
 - (1) Notice of the neighborhood meeting shall be given by the applicant to the property owners within one thousand three hundred and twenty (1,320) feet of the oil and gas location or in the case of off-location flowlines and gathering lines, one thousand three hundred and twenty (1,320) feet from the proposed centerline

of the line. Notice shall be mailed at least ten (10) days prior to the neighborhood meeting date. The notice shall state the date, time, place and purpose of the neighborhood meeting and shall include a map of the oil and gas location or the line. A copy of the notice shall be provided to the County. The applicant or applicant's representative shall attend the neighborhood meeting.

- (2) At the neighborhood meeting, the applicant shall provide an overview of its proposed oil and gas operation and allow those in attendance to provide input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.
 - (3) The neighborhood meeting shall be in a presentation format with maps of the oil and gas location, facility and, if applicable, location of off-location flowlines and gathering lines. The applicant or applicant's representative shall be available to answer questions. The applicant shall provide comment sheets for participants to provide feedback concerning the proposed development. The applicant shall offer participants the opportunity to provide their name and mailing addresses for the purpose of receiving notice of public hearings concerning any application that is subsequently submitted.
 - (4) A written summary of the neighborhood meeting shall be prepared by the applicant at least 15 days prior to consideration of the application by the Planning Commission. The written summary shall be included with the development application submittal and shall explain how any issues identified at the neighborhood meeting have been addressed. In addition, any names and addresses for participants who would like to receive notice of public hearings concerning any application, which is subsequently submitted shall be submitted with the meeting summary.
 - (5) Any neighborhood meeting shall occur after the pre-application meeting and at least 20 days prior to review of the application before the Planning Commission or Planning Department, as may be applicable. Any delay in the neighborhood meeting or submission of the meeting summary, as provided for in subsection 4 above, shall result in a continuation of consideration of the application before the Planning Commission or a delay in the consideration of the application before the Planning Department, as applicable.
- (C) Notice. At least fifteen days prior to any hearing on an application required by these Oil and Gas Regulations or the County's Zoning Regulations, notice of the hearing shall be sent certified mail to owner(s) of record of property located within one thousand three hundred and twenty (1,320) feet of the oil and gas location, and to the governing body of any municipality and/or county whose boundaries are within one thousand three hundred and twenty (1,320) feet of the oil and gas location. The notice shall include the following information:

- (1) Date, time and location of the hearing.
- (2) The location and a general description of the proposed oil and gas facilities.
- (3) The anticipated date operations will commence (by calendar quarter and year).
- (4) A proposed access map, including off-site haul route(s).
- (5) A copy of the location drawing required in Sec. 4-458(A) above.
- (6) A list of the oil and gas facility components required in Sec. 4-458(B) above.
- (7) Operator and County contact information.
- (8) At least five (5) days prior to a hearing, the application must provide proof of notice in compliance with this Section. Based on site specific considerations, the County may request that additional parties be included in the notification.

4-462 Waste Disposal Requirements

- (A) Sewage wastes shall be disposed of in a manner approved by the Northeast Colorado Health Department. Long-term or permanent oil and gas operations or facilities, as well as any sewage disposal that involves discharge to the environment may not be utilized without a permit from the health department. Some type of approved sewage disposal equipment shall be provided at any manned site not otherwise provided with convenient access to adequate sanitation facilities.
- (B) All hazardous wastes must be managed, handled, transported and disposed on in accordance with any applicable rules promulgated by the COGCC, CDPHE and EPA.
- (C) Trash and debris generated from the operation shall be removed to an approved landfill or disposal/recycling facility. Burial or burning of such materials at the site is specifically prohibited.

4-464 Nuisance Avoidance Requirements

- (A) Offensive and noxious odors, noises, fluids, gases, and dust from the oil and gas operations shall be confined to the property to the extent practicable.
- (B) All oil and gas operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration, and noxious odors, and shall be in accordance with any County, local, state or federal health department regulations and with the best accepted practices for the drilling and production of oil, gas, and other hydrocarbon substances.
- (C) Power generating equipment shall utilize sound attenuators or mufflers to minimize noise generated.

- (D) Site lighting necessary to provide safe working conditions shall be oriented so as to avoid glare on public roads or dwellings on other parcels.
- (E) No sign in connection with such drilling and/or production shall be constructed, erected, maintained, or displayed on the premises except directional signs or those required by law.
- (F) All structures and equipment shall be maintained so as not to become a hazard or injurious to public health and safety.
- (G) All oil and/or gas shall be transported from the wellhead to the production facilities by buried or above-ground pipeline or other approved method.
- (H) Air contaminant emission sources shall comply with the permit and control provisions of the Colorado Air Quality Control Program (Title 25, Article 7, C.R.S.) and the rules and regulations promulgated by the Colorado Air Quality Control Commission. If operations result in the generation of amounts of dust, in excess of applicable standards, along access routes, the permittee shall institute adequate dust control measures.

4-466 Referrals

County Planning staff will refer the complete application for a twenty-one (21) day review by the various County departments and the County Attorney's Office, as deemed appropriate. An application may require review by outside agencies such as the U. S. Army Corps of Engineers, if the project impacts a floodplain, and may also be referred to any life-safety providers, adjacent jurisdictions, Northeast Colorado Health Department and/or the Colorado Department of Public Health and Environment and others as may be deemed appropriate. If the applicant provides evidence of notice of its application to the applicable state agencies charged with permitting or reviewing the use, the County may waive additional notice to these agencies. Notwithstanding any previous referrals, at any time, if the County determines it needs additional information and/or input to process the application, it may refer the application to the appropriate agency.

4-468 Review Criteria

In addition to any review criteria imposed by the Zoning Regulations for the applicable permit, the County shall consider whether the application complies with the requirements of these Oil and Gas Regulations.

4-470 Setbacks from Buildings

- (A) When wells are existing, buildings shall not be constructed within the following distances:
 - (1) Except as provided herein, buildings shall not be constructed within five hundred (500) feet of any oil and gas location.

- (2) Any building to be used as a place of assembly, institution or school shall not be constructed within one thousand (1,000) feet of any oil and gas location.
 - (3) Any outside recreation uses shall not be established within three hundred fifty (350) feet of any oil and gas location.
- (B) When wells are existing, lots and roads shall not be platted within the following distances:
- (1) Lots shall not be platted within one hundred fifty (150) feet of an existing oil and gas location.
 - (2) Lots intended to be used as a place of assembly, institution or school shall not be platted to allow a building site within one thousand (1,000) feet of an oil and gas location.
 - (3) Streets shall not be platted within seventy-five (75) feet of an existing well or production facility; provided, however, that streets may cross collection flowlines at right angles.
 - (4) Lots and streets may be platted over well and production sites that have been abandoned and reclaimed in accordance with the Act and COGCC rules and regulations. Such platting shall only occur after the completion of the abandonment and reclamation process.

4-472 **Additional Regulations Related to Off-Location Flowlines and Gathering Lines**

Except as provided for in the Zoning Regulations and County's 1041 Regulations, off-location flowlines and gathering lines shall be permitted subject to the standards set for in this Section.

- (A) Notice of application for an off-location flowline and/or gathering line shall be given to surface property owners within one thousand three hundred and twenty (1,320) feet on each side of the centerline of the proposed preferred alignment, and to interest holders (excluding mineral interests) in any real property proposed to be physically disturbed or crossed by the activity or development which is the subject of the application. Such notification shall be mailed, first-class, by the applicant, no less than ten (10) days before the submission of the application.
- (B) In addition to any requirements for an application for a use permit pursuant to the Zoning Regulations an application for an off-location flowline and/or gathering line shall contain the information required under Rules 1101(a) and 1101(c)(1) of the Commission, as applicable, and the following:
 - (1) Summary statement of the project, to include when applicable:

- (a) A description of the preferred route or site and reasons for its selection.
- (b) Procedures to be employed in mitigating any adverse impacts of the proposed routes or sites.
- (c) An outline of the planned construction, including startup and commissioning schedule, to include the number of stages and timing of each.
- (d) A description of emergency procedures to be followed in case of a reported failure or accident involving the proposed off-location flowline and/or gathering line. Such outline shall include actions, if any, required of public officials, including fire and police officials, and the names and telephone numbers of appropriate company officials to notify if an accident or failure should occur.
- (e) A description of the method or procedures to be employed to avoid or minimize the impacts on irrigated agricultural land.
- (f) A description of any haul routes during construction, identifying the roads and bridges involved and the weight of the loads.
- (g) Any other information determined to be necessary by the Planning Administrator or its authorized representative to ensure the protection of the health, safety and welfare of the inhabitants of the County.

(C) Criteria for off-location flowlines and/or gathering lines.

- (1) The off-location flowline and/or gathering line will not have an undue adverse effect on existing and future development of the surrounding area.
- (2) The design of the proposed off-location flowline and/or gathering line mitigates negative impacts on the surrounding area to the greatest extent feasible.
- (3) The site shall be maintained in such a manner so as to control soil erosion, dust and the growth of weeds.
- (4) Compliance with the County's Floodplain Regulations.
- (5) All reasonable alternatives to the proposal have been adequately assessed, and the proposed action is consistent with the best interests of the people of the County and represents a balanced use of resources in the affected area.

(6) No adverse impact, from stormwater runoff, to the public rights-of-way and/or surrounding properties as a result of the off-location flowline and/or gathering line.

(D) Abandoned Flowlines and/or Gathering Lines

(1) The operator shall abandon flowlines in accordance with the rules of the Commission.

4-474 Post Approval Submissions

(A) Upon approval of the use permit by the County, the applicant shall submit the final versions of documents shall incorporate any conditions of approval imposed by the Board of County Commissioners but otherwise, may not deviate from the plans submitted with the application.

(B) Upon completion of the installation of the off-location flowline or gathering line, the applicant shall submit final as-built drawings for the line.