

Note: Amendments adopted on second reading are contained. Words deleted on second reading are shown in bold double strikeout; words added on second reading are shown in *bold italics*.

ORDINANCE NO. 876

AN ORDINANCE AMENDING CHAPTER 16 OF THE DACONO MUNICIPAL CODE TO REPEAL AND RE-ENACT THE CITY'S OIL AND GAS REGULATIONS AND AMENDING SECTION 17-95 CONCERNING SETBACKS TO OIL AND GAS OPERATIONS AND SECTION 17-252 CONCERNING USABLE OPEN SPACE.

WHEREAS, on April 16, 2019 the Governor signed Senate Bill 19-181 concerning additional public welfare protections regarding the conduct of oil and gas operations into law; and

WHEREAS, Senate Bill 19-181 amends the Oil and Gas Conservation Act ("Act") and addresses the authority of local governments to regulate oil and gas operations; and

WHEREAS, Senate Bill 19-181 vests local governments with greater regulatory authority over the siting and surface impacts of oil and gas operations;

WHEREAS, local governments under Colorado Revised Statutes Section 34-60-105 (1)(b), have regulatory authority over oil and gas development, including adopting local regulations that may be more protective or stricter than state requirements; and

WHEREAS, the City Council finds it is in the best interest of the City and its residents to regulate the siting and surface impacts of oil and gas operations, including setbacks to oil and gas operations, in a reasonable manner to protect and minimize adverse impacts to public health, safety, and welfare and the environment by avoiding adverse impacts from oil and gas operations and minimizing and mitigating the extent and severity of those impacts that cannot be avoided;

WHEREAS, the City is located within one of the most actively drilled oil and gas producing formations along the Front Range, the Wattenberg Field, which has been the center of considerable activity relating to the exploration, extraction, and production of oil and gas resources and accessory activities ("oil and gas activities"); and

WHEREAS, the City Council recognizes the importance of the oil and gas industry to the community, but believes it is also important to address and, when possible, minimize adverse impacts of any industry on the health, safety, and welfare of the City and its residents through zoning, the exercise of police power, and land use regulations; and

WHEREAS, such oil and gas activities are part of a rapidly developing and evolving industry nationwide, across Colorado, and within Weld County, and both substantial advances in

technology and significant modifications to the laws governing the industry have occurred during the past several years; and

WHEREAS, specifically, technological advances within the oil and gas industry, coupled with market conditions and other factors, have resulted in significant increases in oil and gas activities within and surrounding the City and requests by mineral interest holders and operators for permits for large scale multi-well sites, which contain many more wells per site than in previous applications, have increased; and

WHEREAS, the City Council is authorized by applicable law to plan for and regulate the use of land within the City to best protect and promote the health, safety, and welfare of present and future inhabitants and residents of the City, and to guide future growth, development, and distribution of land uses within the City; and

WHEREAS, to that end, the City Council has from time to time adopted planning, zoning, police power, and other regulations governing land uses within the City; and

WHEREAS, the regulations set forth herein represent the City's exercise of its local land use authority and police powers to regulate and address the impacts of oil and gas locations and operations on the City and its residents; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses), C.R.S. § 31-15-601 (concerning municipal building regulations), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Dacono Home Rule Charter, all in a manner consistent with constitutional rights.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Chapter 16, Article 22 of the Dacono Municipal Code is hereby repealed and re-enacted to read as follows:

ARTICLE 22

Oil and Gas Regulations

Sec. 16-520. General Provisions.

(a) Authority and Purpose. Municipal governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction. This Section is enacted pursuant to the land use authority and

the police powers of the City, in order to protect and promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future residents of the City. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners and lessees of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate as may be reasonable and necessary to explore for, develop, and produce oil and gas. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a respectful manner and to have adverse land use impacts upon their property associated with the development of the mineral estate minimized and mitigated through compliance with this Chapter and by mutual accommodation of the surface and mineral owners. This Article is intended to address both surface estate and mineral estate rights and to protect and promote the health, safety and welfare of the City and its residents.

(b) Statutory References. References to statutes or regulations include references to statutes and regulations as amended over time. Nothing in this Article is intended to relieve the operator from compliance with then-current applicable state or federal law.

(c) Prior Approval Required. Prior to the commencement of construction of any oil and gas locations in the City, a location and siting must be approved by the City Council pursuant to this Article or the operator must execute an operator agreement with the City pursuant to Section 16-538. The approval of a location and siting permit or operator agreement does not relieve the operator from otherwise complying with all applicable regulatory requirements of the City, state, and federal governments. Location and siting permits approved by the City Council authorize the operator to commence activities as set forth in the permit within three years following the approval date. If construction of the oil and gas location has not commenced within three years following approval, or if construction activities thereafter cease for a period of over six months, the approval shall be deemed void and of no further force and effect, and application for a new location and siting permit must be made by the operator and approved by the City Council before the oil and gas operations may be commenced.

(d) Application Review Fees. When an application is submitted to the City for a location and siting permit pursuant to this Section 16-525, the operator shall pay to the City an oil and gas application review fee and submit a cost agreement for each oil and gas location shown on the site plan as established in the City's annual fee resolution.

(e) Inspections. In recognition of the potential impacts associated with oil and gas drilling and well operations in an urban setting, all wells and accessory equipment and structures may be examined by City Inspectors at reasonable times to determine compliance with applicable provisions of this Article, the

International Fire Code, the International Building Code, and all other applicable standards adopted by the City of Dacono. For the purpose of implementing and enforcing the provisions of this Article, City Inspectors and their designees have the right to enter upon private property after reasonable notification to the operator and surface owner. City inspections shall be coordinated with the operator to ensure operator presence onsite and to ensure the site visit is conducted in accordance with all applicable safety requirements. The City may use the information collected by the inspection to enforce the requirements of this Chapter. These enforcement actions may be either through enforcement of City regulations or, in the case of state statutes or regulations, the City may report the inspection information to appropriate state officials for proper enforcement. The operator must make available to the City, upon reasonable request, all records required to be maintained by this Article and by the Colorado Department of Public Health and Environment (CDPHE), including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by CDPHE.

(f) Building Permits Required. Building permits must be obtained for all aboveground structures, as may be required by the City's adopted building code.

(g) Prospective Application. Unless specifically provided otherwise, this Article 22 shall apply only to oil and gas locations within the City constructed on or after the date this Article is adopted. The reentering of a well in existence prior to the date of adoption of this Section, for purposes of deepening, recompleting or reworking, shall not require approval of a location and siting permit as required by this Section 16-520, unless such work requires a new COGCC Form 2 or Form 2A.

Sec. 16-521. Applicability.

(a) The provisions in this Article 22, as amended from time to time, shall apply to oil and gas exploration, drilling and production operations proposed to be located within the City, including the location and siting, permitting, construction, and erection of infrastructure, accessory equipment and structures to be used for the same. Where a regulation in this Article conflicts with other regulations of the Dacono Municipal Code, the more restrictive or the regulation that results in the higher standard shall apply.

(b) All new oil and gas locations, oil and gas facility expansions or recompletions, and construction of pipelines shall require review and approval of a Location and Siting Permit by the City Council and an operator agreement approved by the City Council. Operators may submit an application for an Oil and Gas Location Assessment to the COGCC concurrently with a location and

siting permit application. No application to the COGCC shall be made for a permit to drill until the City has made the final siting determination.

(c) Oil and gas locations in the City that are either in existence on the effective date of this Section 16-521 or have been previously permitted as of the effective date of this Section 16-521 and oil and gas locations that are located or proposed to be located within territory hereafter annexed to the City and that were either in existence or authorized by the local government having jurisdiction over the location on the effective date of this Section 16-521 may continue operating without the issuance of a location and siting permit or operator agreement until the oil and gas location is expanded or recompleted or new wells are proposed for the oil and gas locations. Construction or reconstruction of access roads shall conform to the requirements Subsection 16-528(l).

(d) Accessory equipment and pumping systems that are in existence on the effective date of this Section or have been previously permitted as of the effective date of this Section or are located or proposed to be located within territory hereafter annexed to the City and that were either in existence or authorized by the local government having jurisdiction over the location on the effective date of this Section may continue operating without a location and siting permit or operator agreement. Any renovation or repair of nonconforming accessory equipment or pumping systems shall be permitted without a location and siting permit or operator agreement, provided the work does not increase the degree of nonconformity. Any replacement of existing accessory equipment or any addition of accessory equipment shall conform to this Article 22. The replacement or addition of individual tanks, treaters, or separators shall not require the remaining accessory equipment in a production site, an access road, or a well site, to conform to the standards and requirements of this Article 22.

(e) Exceptions to the provisions of this Article 22 may be granted by the City Council as part of the approval of a location and siting permit if the owner or operator will employ equivalent mitigation measures for the requirements waived or in instances where there is no technology commercially available at a reasonable cost to conduct the proposed oil and gas operations in compliance with the requirements proposed for waiver, or where application of the standards proposed for waiver would be impractical or create an undue or unnecessary hardship because of unique circumstances or conditions existing on or near the site of the proposed oil and gas operations. The City Council retains sole discretion whether to waive any otherwise applicable standard.

Sec. 16-522. Definitions.

All terms used herein that are defined in the Act or in the regulations promulgated by the Colorado Oil and Gas Conservation Commission and/or the

Colorado Department of Public Health and Environment and are not otherwise defined below shall be defined as provided in the Act or in such regulations. All other words used herein shall be given their usual customary and accepted meaning unless otherwise defined in this Article 22, and all words of a technical nature, or particular to the oil and gas industry, shall be given that meaning which is generally accepted in the oil and gas industry. Any conflict between this Section and any definition in any statute, rule or regulation of the State of Colorado or its regulatory agencies shall be resolved in favor of the definitions contained within this Ordinance. The words, terms and phrases listed below shall have the following meanings:

Act means the Oil and Gas Conservation Act of the State of Colorado, as may be amended from time to time.

Air emissions mitigation plan means a description of the emission controls an operator will utilize on an oil and gas location to meet emission standards, as required by the Colorado Department of Public Health and Environment (CDPHE), Air Quality Control Commission (AQCC), COGCC, and United States Environmental Protection Agency (EPA).

Building unit means a residential building unit, and every five thousand (5,000) square feet of building floor area in commercial facilities or fifteen thousand (15,000) square feet of building floor area in warehouses or other similar storage facilities that are operating and normally occupied during working hours.

City means the City of Dacono, Colorado.

Code means the Municipal Code of the City of Dacono, as the same may be amended from time to time.

COGCC rules or *Commission rules* means the rules of the Oil and Gas Conservation Commission of the State of Colorado, as amended on the date that an application for a location and siting permit is submitted to the City.

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

Community Development Director means the Community Development Director of the City of Dacono or designee.

DMC means "Dacono Municipal Code" of the City of Dacono, Colorado, as the same may be amended from time to time.

Department or CDPHE means the Department of Public Health and Environment of the State of Colorado.

Director for the sole purpose of this Article 22, means Director of the COGCC.

High occupancy building unit means:

- (1) A public school as defined in C.R.S. § 22-7-703(4);
- (2) A nonpublic school as defined in C.R.S. § 22-30.5-103.6(6.5);
- (3) A nursing facility as defined in C.R.S. § 25.5-4-103(14);
- (4) A hospital;
- (5) A life care institution as defined in C.R.S. § 12-13-101;
- (6) A jail which includes those structures where the personal liberties of occupants are restrained, including but not limited to prisons, detention facilities, and reformatories; or
- (7) An operating child care center as defined in C.R.S. § 26-6-102(1.5).

Inspector, City means any person authorized by the City Manager or by the Manager's designee to inspect an oil and gas location to determine compliance with this Article 22 and other applicable ordinances of the City.

Local government designee means the office designated to receive, on behalf of the City, copies of all documents required to be filed with the local governmental designee pursuant to the rules of the COGCC.

Location and siting permit means the permit required pursuant to Section 16-525.

Mitigation means the following actions in the order of preference:

- (1) Avoiding impacts: avoiding an impact by not taking a certain action or parts of an action; or
- (2) Minimizing impacts: limiting the degree or magnitude of the action or its implementation, by changing the location of the action; or
- (3) Rectifying impacts: repairing, rehabilitating, or restoring the

impact area, facility or service; or

- (4) Reducing or eliminating impacts: reducing or eliminating the impact over time by preservation and maintenance operations; and
- (5) Other provisions for addressing impacts: replacing or providing equivalent biological, social, environmental or physical conditions or a combination thereof.

Multi-well production facilities means all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with two (2) or more oil wells, gas wells, or injection wells.

Oil and gas facility means equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of crude oil, condensate, E&P waste, or gas.

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

Oil and gas well means a hole drilled for the purpose of producing oil or gas, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

Operation(s) means exploring for oil and gas, including conducting seismic operations and the drilling of test bores; siting, drilling, deepening, recompleting, reworking, or abandoning a well; producing operations related to any well, including installing flowlines; the generating, transporting, storing, treating, or disposing exploration and production wastes; and any constructing, site preparing, or reclaiming activities associated with such operations.

Operating plan means a general plan that describes an oil and gas exploration and production facility identifying the purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operation, source of services/infrastructure, any mitigation plans and any other information related to regular functioning of that oil and gas location.

Operator means any person or entity who exercises the right to control the conduct of oil and gas locations.

Operator agreement means a contractual agreement between the oil and gas operator and the City of Dacono for the purpose of facilitating and ensuring responsible oil and gas development within the City.

Person means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

Pipelines means flowlines and gathering lines for oil and gas wells.

Production facilities means all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil wells and gas wells.

Recompletion operation means any action taken after the initial completion of a well, including the action and techniques of reentering the well and redoing or repairing the original completed well to restore the well's productivity.

Residential building unit means a building or structure designed for use as a place of residency by a person, a family, or multiple families. The term includes manufactured, mobile and modular homes, except to the extent that any such manufactured, mobile, or modular home is intended for temporary occupancy or for business purposes.

Setback location means the minimum distances from building units, high occupancy building units, or designated outside activity areas as established in COGCC rules.

Surface owner means any person owning all or part of the surface of land upon which oil and gas operations are conducted, as shown by the tax records of the county in which the tract of land is situated, or any person with such rights under a recorded contract to purchase.

Surface use agreement means any agreement in the nature of a contract or other form of document binding on the operator, including any lease, damage agreement, waiver, local government approval or permit, or other form of agreement, which governs the operator's activities on the surface in relation to locating a well, multi-well site, production facility, pipeline or any other oil and gas facility that supports oil and gas development located on the surface owner's property.

Utilities report means a report concerning known or recorded utility line easements and rights-of-way within one hundred fifty (150) feet of the proposed oil and gas location and access road. For those facilities utilizing the power grid, it will also indicate any new power lines or other infrastructure necessary for the purpose of supplying electric power to oil and gas facilities.

Well site means 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 means the mouth of the well at which oil or gas is produced.

Working day means all days that the City of Dacono offices are open for conducting the public's business.

Sec. 16-523. Location and Siting Permit pre-application conference.

(a) Timing. A pre-application conference shall be held prior to the operator submitting a location and siting permit application to review the proposed new oil and gas location, and review the alternative location analysis requirements. If a location and siting permit application is not filed with the City within six (6) months following the pre-application conference, an additional pre-application conference may be required by the City.

(b) Pre-Application Conference. The goal of the pre-application conference is for City staff and the operator to review the proposed oil and gas siting location to ensure it will be conducted in a manner that ensures compliance with this Article 22. The pre-application conference shall also provide an opportunity for the operator and City staff to:

(1) Review the City's location and siting permit application process so the operator can plan its proposed oil and gas location in a manner that complies with the Code;

(2) Review the operator's objectives and land use proposal;

(3) Review the proposed oil and gas location, site-specific matters, and alternative facility locations;

(4) Discuss project impacts specifically related to the City's adopted roadway plan, parks and recreation plan, and possible mitigation methods, in order to minimize impacts;

(5) Discuss the submittal requirements for the transportation plan described in Subsection 16-525(a)(14);

(6) Discuss potential coordination of field design with other existing or potential development and oil and gas operations; and

(c) Site Visit. At the discretion of the Community Development Director, after obtaining surface owner consent, the Community Development

Director may require a site visit as part of the pre-application conference with the operator to evaluate compliance with this Section, and/or mitigation measures and best management practices that may be required to adequately ensure compliance with this Article.

(d) Alternative Location Analysis.

(1) Prior to the pre-application conference, the operator shall submit an alternative location analysis that identifies and examines the feasibility of at least three (3) alternative oil and gas locations.

(2) Operator shall identify distance of proposed facility to:

- a. Nearest residence;
- b. Nearest platted residential lot/development;
- c. Nearest occupied buildings;
- d. Nearest school property line;
- e. Nearest hospital/health care facility;
- f. Nearest identified public drinking water supply area, well;
- g. Nearest sensitive area for water resources including floodplains, wetlands, special flood hazard areas;
- h. Nearest water bodies; and
- i. Nearest existing or platted outlots, open space, trails, parks or other recreational amenities as determined by the City.

(3) Operator shall identify number of occupiable residential units within 1500' radius circle.

(4) Operator shall provide a plan for facility access, including proposed use or crossing of existing or proposed public right-of-way.

(5) Visual impact of each site during drilling and at completion.

(6) Land use breakdown (as currently zoned and per Comprehensive Plan future land use) within 1500' radius circle

Sec. 16-524. Neighborhood meeting.

(a) Following the pre-application conference and prior to submittal of a location and siting permit application, the operator will hold a neighborhood meeting. A neighborhood meeting is required for any oil and gas locations that require a location and siting permit.

(b) The operator shall provide notice of, attend and conduct the neighborhood meeting.

(1) Notice of the neighborhood meeting must be provided to the City and to all individuals entitled to notice pursuant to Section 16-527 of this Article 22.

(2) Posted Notice. The real property on which the oil and gas location is proposed shall also be posted with a sign, giving notice to the general public of the proposed oil and gas operations. For parcels of land exceeding fifteen (15) acres in size, two (2) signs shall be posted adjacent to the nearest rights-of-way.

(3) List of property owners. The list of property owners notified shall be provided to the Community Development Director as part of the location and siting permit application.

Sec. 16-525. Location and siting permit application requirements.

All applications for location and siting permits for oil and gas locations shall include the following information:

(1) The names and addresses of the operator and surface owner(s), and designation of agent, if applicable;

(2) A list of all permits or approvals obtained or to be obtained from local, state, or federal agencies other than COGCC;

(3) A list of COGCC permits that shall be submitted in conjunction with the COGCC Form 2A, Application for Permit to Drill (Form 2) and any exceptions or variances proposed to be requested;

(4) Topographic Map showing the following:

a. Proposed Oil and Gas location. The location of the proposed Oil and Gas location, including well pads, tanks, roads, pipelines, and related features on a United States Geological Survey quadrangle map or on a recorded plat if the proposed Oil and Gas location is within an approved subdivision, with the

location highlighted so that it is easy to see.

- b. Topography. Existing and proposed topography at intervals established by the Community Development Director as necessary to portray the direction and slope of the area affected by the proposed Oil and Gas Operation.
- c. Transportation and roads. All public and private roads that traverse and/or provide access to the proposed Oil and Gas location.
- d. Easements. Easements recorded or historically used that provide access to or across, or other use of, the property.
- e. Municipal and subdivision boundaries. Municipal or subdivision boundaries within one mile of the well pad, tanks, storage areas or any other ancillary feature of the proposed Oil and Gas location.
- f. Other oil and gas locations. Location of other Oil and Gas locations within one mile of the site.
- g. Shortest distance between any proposed well or production facility on the well pad and the nearest exterior wall of an existing Building Unit. A vicinity map or satellite photo at a scale of one (1) inch equals two hundred fifty (250) feet, extending at least one-quarter-mile beyond the oil and gas location. The map or satellite photo shall denote:
 - (i) The outline of the oil and gas location to be developed;
 - (ii) All existing, known oil and gas wells, injection wells, production facilities and pipelines;
 - (iii) Natural drainage courses, water bodies, and similar major natural or man-made features of the area;
 - (iv) Existing uses for residential, commercial, industrial and public purposes; and

- (v) Proposed access (ingress and egress) locations and haul routes.

(5) A detailed site plan for all well sites, at a scale of one inch equals one hundred fifty (150) feet, which includes a facility layout, access, submittal to the City of all documents required to be submitted with COGCC Form 2A, a depiction of all visible improvements within one thousand three hundred twenty (1,320) feet of the proposed location, including buildings and residences, public roads and trails, major above-ground utilities, railroads, pipelines, mines, oil/gas/water/plugged wells, and other improvements, as required by COGCC Rule 303.d(3)C, and the site plan requirements of the Dacono Municipal Code, as amended;

(6) A summary of the operations at the oil and gas location, including a schedule for drilling, completion, transporting, production and post-operations.

(7) Dust suppression and control plan.

(8) Cultural Survey. If applicable, a cultural, historical, and archeological survey of the proposed oil and gas operations site and other areas and properties impacted by access to the site.

(9) Grading/Drainage and Erosion Control Plan. A plan that identifies existing (dashed lines) and proposed (solid lines) contours, at two-foot intervals, and the methods for controlling erosion during construction and operational phases of the proposed Oil and Gas location.

(10) An Emergency Response Plan for each specific oil and gas location that complies with the City's adopted fire code, which addresses events such as explosions, fires, gas or water pipeline leaks or ruptures, leaks from well casings and pits, tank leaks or ruptures, hydrogen sulfide or other toxic gas emissions, transportation of hazardous material and vehicle accidents or spills. The plan shall be reviewed and approved by the Mountain View Fire Protection District and updated on an annual basis or as conditions change (responsible field personnel change, ownership changes, etc.), or as requested by the Mountain View Fire Protection District.

(11) A site plan for site preparation, mobilization and demobilization;

(12) A utilities report, if applicable;

(13) Lighting Plan for all temporary lighting that mitigates light pollution and spill-over onto adjacent properties; provided, however, that the operator may still use lighting that is necessary for public and occupational safety. The lighting plan should identify any permanent lighting and include a photometric analysis to ensure little or no light is trespassed on neighboring properties or road right-of-way.

(14) Traffic Study and Management Plan and Baseline Road Assessment. A plan showing the estimated number of vehicle trips per day for each type of vehicle to be used at the oil and gas location, proposed access routes to and from the site, and measures to mitigate adverse impacts to traffic patterns and safety caused by the proposed operation. Prior to the start of construction, the operator shall complete a traffic study and provide a detailed traffic plan to determine any operational changes and geometric modifications necessary for extraction activities. The Traffic Study shall include, but is not limited to, the following measures:

- a. Detail of access locations for each oil and gas location, including sight distance, turning radius of vehicles and a template indicating feasibility, turning volumes in and out of each site for an average day, and peak hour projections.
- b. Estimated weights of vehicles when loaded, a description of the vehicles, including the number of wheels and axles of such vehicles and trips per day.
- c. Anticipated truck traffic volumes shall be converted to equivalent single axle loads and compared with existing volumes.
- d. Core drill or boring samples of City roads shall be used to determine the adequacy of the existing roadway structure and to determine if roadway sections over which operator vehicles will travel are adequate for the proposed extraction activities.
- e. Truck routing map and truck turning radius templates shall be used to determine if improvements are necessary at intersections along the route.
- f. Identification of need for any additional traffic lanes.

(15) Proposed form and issuer of a bond in the amount required by Chapter 11, Article 1 of this Code to cover any damage to public infrastructure during active drilling and completion.

(16) A Visual Mitigation Plan, including but not limited to, a list of the proposed colors for the location's equipment, proposed fencing and screening;

(17) Access Road Plan. A plan sufficient to demonstrate compliance with the standards in Subsection 16-528(l).

(18) Vegetation and Weed Management Plan. A written description of the species, character and density of existing vegetation on the site, a summary of the potential impacts to vegetation as a result of the proposed Oil and Gas location and proposed mitigation to address these impacts. The plan shall include any COGCC required interim and final reclamation procedures.

(19) Stormwater Control Plan. A plan to minimize impacts to surface waters from erosion, sediment, and other sources of nonpoint pollution. The stormwater control plan required by COGCC Rule 1002(f) may be provided to comply with this provision as determined by the City Engineer.

(20) Noise Mitigation Plan. A plan for noise mitigation that details the protocol to conduct noise modeling for each facility for pre-construction and active drilling, hydraulic fracturing, flowback and other operations as well as a noise mitigation report that establishes adequate noise mitigation measures. **Noise mitigation should demonstrate compliance with DMC Section (performance standards to be written).**

(21) Geological Report. A report detailing the geological characteristics of the site, prepared by a registered engineer. The report shall include an assessment of the geological hazards within one mile of the site and a plan for mitigating impacts from geologic hazards to the proposed oil and gas operations and impacts of the proposed oil and gas operations on any geologic hazards.

(22) Water Supply Plan. A water supply plan that provides a general description of the source of water that the applicant proposes to use to serve the oil and gas operation, how the water will be brought to the site, and disposal plans for wastewater.

(23) Wetlands Protection Plan. A plan demonstrating that oil

and gas operations shall, to the maximum extent practicable, prevent adverse impacts to the environment and avoid causing degradation to wetlands within the City. The proposed oil and gas operation shall not alter historic drainage patterns and/or flow rates or shall include acceptable mitigation measures to compensate for anticipated drainage impacts. A map shall identify all wetlands within 1,000 feet of the edge of the disturbance area.

(24) Wildlife and Wildlife Habitat Assessment. An assessment of existing wildlife and wildlife habitat, an evaluation of the impacts of the proposed Oil and Gas Operation on wildlife and wildlife habitat, and proposed mitigation to address these impacts.

(25) Required fees, including the oil and gas application review fee together with such other impact fees or other fees that may be adopted by City Council. Such fees shall be as set forth in the City Council's annual fee resolution in effect at the time of application.

(26) Any other information or documentation the City determines necessary for a full and complete review of the application.

(27) An odor mitigation plan. Oil and gas locations shall comply with Colorado Department of Public Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, 5 CCR 1001-4, Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII. Odor emitting from sites shall be controlled. operators shall prevent odors from oil and gas locations from affecting the health and welfare of the public by proactively addressing and, to the fullest extent technically and economically practicable, resolving complaints filed by impacted members of the community.

(28) An air emissions mitigation plan. An assessment of air quality impacts of the proposed oil and gas operation and a plan to maintain air quality, including a plan to minimize VOC emissions.

(29) Chemicals and hydraulic fracturing fluids disposal and reporting plan.

(30) Interim reclamation plan.

(31) Water Quality Impact Assessment and Mitigation Plan.

Sec. 16-526. Staff review and referral.

(a) The Community Development Director shall review the location and siting permit application for completeness and compliance with these regulations. The City may require the use of technical or other third-party consultants deemed by the City to be appropriate and necessary to complete the review. The operator shall execute a cost agreement to reimburse the City for the costs associated with such review. If revisions are necessary, City staff shall review such revised application, and may require the assistance of consultants deemed to be appropriate and necessary by the City. Upon determination by staff that all issues have been resolved, City staff will schedule the application for public hearings before the Planning and Zoning Commission and City Council.

(b) Referral of Application. The Director may send a copy of the complete application to consultants and any local, state or federal agency that may have expertise or an interest in impacts that may be associated with the proposed Oil and Gas Operation. The applicant shall be responsible for the costs of any consultant and referral agency review.

Sec. 16-527. Notice and hearings.

(a) Notice of time, place and subject matter of public hearings shall be published by the City once in a newspaper of general circulation in the City at least seven (7) days prior to the Planning and Zoning Commission hearing and at least seven (7) days prior to the City Council hearing.

(b) The applicant shall also, at least fifteen (15) days before the date of the Planning and Zoning Commission hearing, mail by certified or registered mail, return receipt requested, notice of such hearing to the following and shall file proof of such mailing (e.g., return receipts received) with the Planning and Zoning Commission secretary at the time of the hearing:

(1) To the surface owners of the parcels of land on which the oil and gas location is proposed to be located;

(2) To the surface owners of the parcels of land in the City within 2,640 feet of the parcel on which the oil and gas location is proposed to be located;

(3) To water source owners within 2,640 feet of the parcel on which the oil and gas location is proposed to be located;

(4) To all physical addresses within 2,640 feet of the parcel on which the oil and gas location is proposed to be located; and

(5) To any homeowners associations within 2,640 feet of the parcel on which the oil and gas location is proposed to be located.

(c) The real property proposed to be developed shall also be posted with a sign giving notice to the general public of the proposed development. For parcels of land exceeding fifteen (15) acres in size, two (2) signs shall be posted adjacent to the nearest right-of-way.

Sec. 16-528. Standards for oil and gas locations.

(a) Minimal Site Disturbance. Oil and gas locations shall be located and constructed in a manner so that there is no unnecessary or excessive site disturbance and that minimizes the amount of cut and fill. Without limiting the generality of the foregoing, oil and gas locations shall be located and constructed as follows:

(1) Multi-well drill pads and consolidated facilities shall be used where economically and technically feasible to minimize surface disturbance.

(2) Pad dimensions shall be no larger in size than is necessary to accommodate operational needs while minimizing surface disturbance.

(3) Structures and surface equipment shall be the minimum size necessary to satisfy present and future operational needs.

(4) The operations shall be located in a manner to minimize impacts on surrounding uses, and achieve compatibility with the natural topography and existing vegetation.

(b) Visual Quality. The oil and gas locations will not cause significant degradation to the scenic attributes and character of the City.

(1) Facilities shall be painted in a uniform, non-contrasting, non-reflective color, to blend with the surrounding landscape and with colors that match the land rather than the sky. The color should be slightly darker than the surrounding landscape.

(2) Oil and gas locations should be buffered from sensitive visual areas by providing landscaping along the perimeter of the site between the surface equipment and the sensitive visual area in accordance with Chapter 16, Article 28. If landscaping cannot be achieved, a solid screening may be required at the discretion of the Community Development Director.

(3) Oil and gas locations should be constructed in a manner to minimize the removal of and damage to existing trees and vegetation. If

the locations require clearing trees or vegetation, the edges of the cleared vegetation should be feathered and thinned and the vegetation should be mowed or brushhogged while leaving root structure intact, instead of scraping the surface.

(4) Oil and gas locations shall be sited away from prominent natural features and visual, scenic and environmental resources such as distinctive rock and land forms, rivers and streams, and distinctive vegetative patterns.

(c) Fencing. For purposes of security and visual mitigation, permanent perimeter fencing that includes a locking gate shall be installed around the oil and gas location. Fencing shall be designed to deter entrance by unauthorized people onto the oil and gas location. Such fencing shall be up to eight (8) feet in height, constructed of steel, Ameristar Impasse, or Stronghold fencing, or an approved equivalent as determined by the Community Development Director. The fencing color shall be bronze or black. All fences shall be equipped with at least one (1) locking gate.

(d) Geologic hazard, flood plain, floodway restrictions. All equipment at oil and gas locations in geological hazard and floodplain areas shall comply with all COGCC rules and to the extent necessary to comply with the Federal Emergency Management Act and Chapter 18, Floodplain Damage Prevention, as the same may be amended from time to time

(e) Grading/Drainage and Erosion Control. The Oil and Gas location shall comply with the Grading/Drainage and Erosion Control Plan.

(f) Natural Resource Area. The Oil and Gas Operation may not be located as to cause significant degradation of natural landmarks, rare plant species, riparian corridors, wildlife habitat or other sensitive areas.

(g) Water. The availability and use of City water shall be at the sole discretion of the City.

(h) Wildlife. The Oil and Gas location shall not cause significant degradation of wildlife or wildlife habitat.

(i) Public Services and Facilities. The Oil and Gas location shall not have a significant adverse effect on the capability of the City or other serving utility providers to provide or deliver municipal services.

(j) Emergency Response. The Oil and Gas location shall comply with the Emergency Response Plan.

(k) Transportation and Circulation. The operator shall submit a traffic management plan for City review and approval that includes detailed descriptions of all proposed access routes for equipment, water, sand, waste fluids, waste solids, mixed waste, and all other material to be hauled on the public streets and roads of the City during all phases of well development and operations. The operator will obtain all necessary access permits.

(l) Access Roads. Access points to public roads shall be located, improved and maintained to assure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.

(1) Access roads shall be improved a minimum distance of two hundred (200) feet on the access road from the point of connection to a public road. The access road shall be improved as a hard surface (concrete or asphalt) for the first one hundred (100) feet from the public road and then may be improved as a crushed surface (concrete or asphalt) for one hundred (100) feet past the hard surface in the appropriate depth to support the weight load requirements of the vehicles accessing the well and production facilities.

(2) If an access road intersects with a pedestrian trail or walk, the operator shall pave the access road as a hard surface (concrete or asphalt) a distance of one hundred (100) feet either side of the trail or walk and, if necessary, replace the trail or walk to address the weight load requirements of the vehicles accessing the well and production facilities.

(3) Temporary access roads associated with the operation shall be reclaimed and revegetated to the original state within sixty (60) days after discontinued use of the temporary access roads.

(4) Dust associated with on-site activities and traffic on access roads shall be minimized throughout construction, drilling and operational activities such that there are no visible dust emissions from access roads or the site to the extent practical given wind conditions.

(m) Implementation of Traffic Management Plan. The operator will implement the required Traffic Management Plan.

(n) Road Repairs.

(1) The operator will arrange for a qualified outside consultant to perform a road impact study for all public roads that are used to access the Oil and Gas location. The consultant will conduct the first part of the study prior to operations and the second part of the study after the operator completes all drilling and hydraulic fracturing. The operator and the City

will use these studies to determine the extent of any damage accruing to the road from oil and gas operations during the study period. The operator will either promptly pay the City to repair such damage or arrange for and pay the cost of such repairs itself, whichever the City prefers.

(2) The operator shall maintain financial assurance to secure its road repair obligations. To fulfill its obligations under this subsection, the operator shall select a financial assurance instrument acceptable to the City, and shall maintain such assurance until it fulfills its obligation to repair road damage pursuant to this Article.

Sec. 16-529. Location and siting permit review and approval criteria.

When considering an application for a location and siting permit for an oil and gas location pursuant to this Article, the Planning and Zoning Commission and City Council shall determine whether the application materials submitted by the operator demonstrate the following:

(a) The proposed oil and gas location will comply with the standards set forth in Section 16-528 and all other applicable provisions of this Article 22.

(b) Operational impacts. The oil and gas location will be operated in a manner that is not detrimental to other uses within the vicinity. When determining the impacts of the proposed oil and gas location, the following factors shall be considered: proximity to building units or high occupancy buildings, proximity to platted lots, proximity to parks, open space, trails or other designated civic and open space, noise; odor; traffic and access to the oil and gas location; and impacts to wildlife, wetlands, and drainage.

(c) Visual impacts. The oil and gas location will be developed and operated in a manner that utilizes screening and buffers, such as landscaping, fencing, setbacks or other design features to mitigate the visual impact of the proposed oil and gas facility.

(d) Infrastructure. Adequate facilities either exist or will be provided by the operator, including but not limited to access, emergency services, utilities, and drainage.

(e) Traffic restrictions may be imposed as necessary to achieve compliance with the requirements of this Article.

Sec. 16-530. Transfer of location and siting permit.

Location and siting permits may be assigned to another operator provided that the new operator provides the Community Development Director written

assurance that it can and will comply with all conditions of the transferred location and siting permit.

Sec. 16-531. Suspension or revocation of location and siting permit.

If the City believes the operator has failed to conduct its operations in accordance with the terms and conditions of the location and siting permit, the City shall provide written notice to the operator specifying, in reasonable detail, the failure and the remedy required. The operator shall have a period of forty-five (45) days during which to remedy the failure, or if the failure is of a nature that cannot be remedied within a 45-day period, the operator must commence remedy of the failure within 45 days and diligently complete the remedy. If operator fails to so remedy or commence remedy, the City Manager may schedule a hearing before the City Council to determine whether the operator has violated any term or condition of the location and siting permit. The City shall provide the operator with at least thirty (30) days written notice of such hearing. At the hearing, the City Council may determine that no violation has occurred; that one or more violations occurred, but that the violation(s) was timely remedied by the operator as required by this Section; or that a violation(s) occurred that either has not been remedied or was not timely remedied by the operator. If the City Council finds a violation(s) occurred that not has been remedied as required by this Section, the City Council may revoke, suspend, or restrict the location and siting permit, place additional conditions on the location and siting permit, or require such other actions of the operator as it deems appropriate. If the location and siting permit is revoked, the operator shall cease operations at the permitted oil and gas location until it obtains approval for such facilities under then-applicable provisions of the Code.

Sec. 16-532. Pipelines.

The City may request all confidential Form 44 flowline data for flowlines within Dacono from the COGCC. The City shall execute any applicable confidentiality agreement required by the COGCC and only use the information in accordance with COGCC Rule 1101.d.

Sec. 16-533. Seismic operations.

Approval of a location and siting permit shall not relieve the operator from complying with all COGCC rules with respect to seismic operations and the operator must obtain a license agreement from the City prior to conducting any seismic operations on public property or within the public right-of-way. All notices an operator is required to file with the Commission with respect to seismic operations shall be simultaneously filed with the City. The City shall deny any request made under the Colorado Open Records Act for inspection or copying of

any documents the operator clearly marks as “confidential,” to the extent required by law.

Sec. 16-534. Trailers.

Construction trailers are permitted as an accessory use during active drilling and well completion or workover operations only. No permanent residential trailers shall be permitted at the well sites; provided, however, that until ninety (90) days following the end of the completion phase on a well site, temporary residential and/or security trailers are permitted, as needed for on-site operations, for exclusive use by the operator’s personnel and the personnel of its contractors on a temporary basis.

Sec. 16-535. Notice of operations.

Not less than thirty (30) days in advance of commencement of operations with heavy equipment for the drilling of a well (COGCC Rule 305f.), recompletion, or plugging and abandonment of a well, operator shall provide notice to the oil and gas location surface owner(s), if applicable, and the City's local governmental designee. Notice to the surface owner may be waived in writing by the surface owner(s). The notice must contain:

- (a) The name and contact information for the operator or its agent;
- (b) A site diagram or plat of the proposed well location and any associated roads and production facilities; and
- (c) The date operations with heavy equipment are expected to commence and be completed.

Sec. 16-536. Plugging and abandonment of wells.

The operator shall comply with all Commission rules with respect to plugging and abandonment of wells. The operator shall provide the City with the COGCC approved Form 6 (well abandonment report), which must be accurately and completely filled out and the location recorded with the Weld County Clerk and Recorder.

Sec. 16-537. Unlawful acts; civil actions; enforcement.

(a) Except as otherwise provided in this Article 22, it is unlawful to construct, install, or operate, or cause to be constructed, installed, or operated, any oil and gas facility within the City unless approval has been granted by the City Council either by a location and siting permit or operator Agreement. The

unlawful drilling or re-drilling of any well or the production of oil or gas therefrom is a violation of this Article 22.

(b) In case of any violation of this Article 22, including but not limited to nonconformance with a location and siting permit as approved by the City Council, the City Attorney or the City Attorney's designee, in addition to any other remedy provided by law, may institute in a court of competent jurisdiction an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use. The enforcement provisions of this Section 16-537 shall apply to all location and siting permits approved on or after the effective date of this ordinance.

Sec. 16-538. Operator Agreement.

The City Council may by resolution approve a Model Operator Agreement, which shall serve as a guide to City negotiations with operators; however, nothing in the Model Operator Agreement shall be binding on the City until an operator agreement for the specific oil and gas operation is approved by the City Council and executed by the City.

Section 2. Section 16-49.5 of the Dacono Municipal Code is hereby repealed and re-enacted to read as follows:

Sec. 16-49.5. Injection well.

Injection Well means a Class II Waste Water Injection Facility used to dispose of produced water associated with oil and natural gas production.

Section 3. Section 16-10 of the Dacono Municipal Code is hereby amended by the addition of a new subsection (l) to read as follows:

Sec. 16-10. Prohibited uses.

(l) Oil and gas facilities on land zoned COS.

Section 4. Section 17-95(5) of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 17-95. Setbacks to oil and gas operations.

Each subdivision plat shall provide for the following setbacks from existing oil and gas facilities, including oil and gas facilities for which City approval has been granted pursuant to Chapter 16, Article 22 of this Code but which have not yet been constructed:

(5) Lots and streets may be platted over well and production sites that have been abandoned and reclaimed in accordance with state law, COGCC regulations and Section 16-536 of this Code. Capped wellheads, mine shafts, and well and production sites that have been **plugged**, abandoned and reclaimed in accordance with state law and COGCC regulations shall be identified and be recorded and noted on the final plat. Such platting shall occur only after the completion of the abandonment and reclamation process, may not be accomplished by a lot boundary adjustment, and shall comply with the following standards:

a. Prior to submittal of a final plat, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent bench mark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC.

b. As a condition of review of any final plat that contains a plugged and abandoned well, or that is within two hundred (200) feet of a plugged and abandoned well, the applicant shall submit a location diagram of such plugged and abandoned well.

c. On every plat that contains a plugged and abandoned well, a well maintenance and workover setback shall be designated on the plat, the dimensions of which shall not be less than fifty (50) feet in width and one hundred (100) feet in length. The plat shall contain a note advising that no structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty (20) feet in a location to be approved by the City. For property platted adjacent to a plugged and abandoned well, the City may require a well maintenance and workover setback in such dimensions as may be determined by the City and meeting all other requirements of this subsection.

a d. Streets may not be platted over **plugged and** abandoned wellheads or mine shafts if conflicts do not occur with infrastructure requirements within the street.

b e. A non-residential lot may contain ~~an a~~ **plugged and** abandoned wellhead. ~~The plat shall identify a building setback of 25 two hundred fifty (250) feet from the monumented abandoned wellhead.~~

e f. Residential lots one (1) acre or larger may ~~be platted over an contain a plugged and~~ abandoned wellhead. ~~The plat shall identify a building setback of twenty-five (25) two hundred fifty (250) feet from the monumented abandoned wellhead. Plugged and abandoned wellheads, and~~

the well maintenance and workover setback required by subsection b of this Section, shall not be located in single-family lots under one (1) acre in size.

~~d. —Abandoned wellheads, and the required setback surrounding the abandoned wellhead, shall not be located in single-family lots under one (1) acre in size.~~

~~e g. Plugged and A~~abandoned wellheads, and the required setback surrounding the abandoned wellhead, shall not be located in multi-family lots.

~~f h. In subdivisions~~ where an abandoned wellhead cannot be placed in a street or lot meeting the standards of this Subsection, the Plugged and abandoned wellheads and mine shafts shall be placed in a tract ~~or tracts~~. The plugged and abandoned wellhead ~~or mine shaft~~ and required setback surrounding the plugged and abandoned wellhead ~~or mine shaft~~ may not be located in a park.

~~g. —The minimum setback to abandoned wellheads shall be two hundred fifty (250) feet.~~

~~h i. The minimum setback to mine shafts shall be twenty-five (25) feet.~~

~~j. No utility lines shall be installed within ten (10) feet of any plugged and abandoned well.~~

~~k. Every plat that contained a plugged and abandoned well shall include the following notation: “The property owner shall disclose to prospective purchasers of lots within a radius of 200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and workover setback, and (3) the purpose of the maintenance and workover setback.~~

~~l. As a condition of building permit review, no dwelling shall be constructed within fifty (50) feet of a plugged and abandoned well.~~

Section 5. The introductory paragraph to Section 17-252(a) of the Dacono Municipal Code is hereby repealed and re-enacted to read as follows:

Sec. 17-252. Usable open space requirement.

(a) All one-family and two-family residential developments subject to this Article shall, as a condition of approval, provide for land dedications in the following amounts for usable open space. All open space areas shall be placed in tracts or outlots, and an application to rezone such open space tracts or outlots to Civic/Open Space (COS) zone district shall be filed with the final plat application. The calculated density shall be rounded up to the closest whole number shown in this Section. All multiple-family residential developments of any density shall, as a condition of site plan approval, provide thirty percent (30%) usable open space.

Section 6. Any person charged with a violation of this ordinance, upon conviction thereof, shall be subject to the General Penalty in Section 1-70 of the Dacono Municipal Code, which provides for incarceration for a period not to exceed one (1) year, a fine not to exceed one thousand dollars (\$1,000.00), or both such fine and imprisonment. As provided in Section 1-70(b), each and every day during any portion of which any violation is committed, continued or permitted shall be a separate violation, and the violator shall be punished accordingly.

Section 7. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 8. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. All other ordinances or portions thereof inconsistent or conflicting with this ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED
PUBLISHED AND POSTED BY TITLE this 26th day of August, 2019.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 9th day of
September, 2019, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET,
DACONO, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND
ORDERED PUBLISHED BY TITLE this 9th day of September, 2019.**

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 876, **“AN ORDINANCE AMENDING CHAPTER 16 OF THE DAcono MUNICIPAL CODE TO REPEAL AND RE-ENACT THE CITY’S OIL AND GAS REGULATIONS AND AMENDING SECTION 17-95 CONCERNING SETBACKS TO OIL AND GAS OPERATIONS”**: Repeals and re-enacts Chapter 16, Article 22 of the Dacono Municipal Code to amend the City’s oil and gas regulations to reflect expanded local authority for siting and permitting of oil and gas wells established by Senate Bill 19-181 and amends the subdivision regulations concerning setbacks to oil and gas operations and to require applications to rezone open space areas to the COS zone district, in which oil and gas wells may not be located, at the time of subdivision platting.