



Legislation Text

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Clerk 3/20/03

AN ORDINANCE related to zoning, establishing land use, siting and performance standards for oil and gas well extraction facilities; adding new sections to K.C.C. chapter 21A.06 and adding a new chapter to K.C.C. Title 21A.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Purpose. This ordinance is enacted to facilitate the development of natural gas resources within the unincorporated area of the county while mitigating potential land use conflicts between this development and existing, as well as planned, land uses. Surface and mineral estates are recognized as separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop the subsurface mineral interests, subject to compliance with the provisions of this ordinance and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse land use impacts upon their property, associated with the development of the mineral estate, mitigated through compliance with this ordinance.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Abandonment. Abandonment: nonuse or operation for one year.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Collection line. Collection line: a pipeline to a well designed to collect produced or waste water and transport it to a central disposal area (evaporation pit, holding tank or injection well).

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Compressor station. Compressor station: an installation consisting of one or more individual compressors located on a gathering or transmission line.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Corridor. Corridor: the route within which a pipeline right-of-way is located.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Critical use hours. Critical use hours: that time of day when disturbance is most likely to increase stress to and negatively impact wildlife.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Critical use period. Critical use period: that portion of the year (weeks or months) when disturbance is most likely to increase stress to and negatively impact wildlife.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Evaporation pit. Evaporation pit: an excavated pit used for storing and evaporating wastewater produced during drilling or production.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Gas well. Gas well: a well having a pressure and volume of natural gas; specifically, producing

methane, often in combination with a variety of other substances such as butane, propane and carbon dioxide.

NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Gathering system. Gathering system: a system consisting of well (or gathering), lateral, and trunk pipelines transporting natural gas to a central facility or transmission line, and so classified under United States Department of Transportation regulations.

NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Major gas facility. Major gas facility: a facility including one or more of the following uses:

- A. Compressor station serving multiple gas wells.
- B. Water injection station.
- C. Gas treating facility serving multiple wells or gathering systems.
- D. Gas gathering line and water collection line serving multiple wells.

NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Minor gas facility. Minor gas facility: a facility including one or more of the following uses:

- A. An individual gas well, including auxiliary equipment such as separators, dehydrators, pumping units, tank batteries and other equipment located within the perimeter of the well site.
- B. Gas gathering lines and water collection lines serving an individual well, including auxiliary equipment, such as: drip stations, vent stations, pigging facilities, chemical injection stations, transfer pump stations and valve box.
- C. Compression station serving an individual well.

NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Operating plan. Operating plan: a general description of a facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operating, source of services/infrastructure, and any other information related to regular functioning of that facility.

NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Producing. Producing: the development stage in which marketable oil and gas are extracted from a well; may also signify the extraction level at which the quantitative terms of the lease are fulfilled.

SECTION 15. There is hereby created in K.C.C. Title 21A a new chapter to be entitled "Development Standards - Oil and Gas Extraction Facilities."

NEW SECTION. SECTION 16. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Compliance with chapter. It is unlawful to construct, install, or cause to be constructed or installed, any oil and gas facility, unless approved by the county. If it is established that a proposed facility cannot be operated in compliance with this chapter or any other applicable county, state or federal regulation, county land use approval may be denied. Construction or operation of oil and gas facility without first receiving approval consistent with K.C.C. Title 21A and this chapter shall be cause for action as provided for by K.C.C. Title 23.

NEW SECTION. SECTION 17. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Referrals for agency comments. The department of development and environmental services shall refer the application to other government agencies or entities for review and comment. The reviewing agencies shall be provided twenty-one days from the date of the referral to return comments.

NEW SECTION. SECTION 18. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Duration of approval and modifications.

A. Approval granted for a facility shall expire or be considered revoked if construction of the facility is not completed within one year of the date of approval, with the following exceptions: multiyear phased projects which are proceeding according to the estimated construction schedule; or, minor facilities which are substantially completed, to be defined as the applicant having incurred costs for seventy-five percent of the total construction cost of the project.

B. Modifications required in order for the facility to continue operating and which must be done immediately in order to maintain the existing level of production or operation, may be done on an emergency basis, without prior notice or approval, provided that such modifications do not include the addition of equipment or operations associated with a major facility. The applicant shall provide notification of such emergency modifications by filing a written amendment to the application, specifying the modifications made, within five working days of their completion.

C. Modifications to a facility that result in an increase in the oil and gas production shall be considered an amendment. Notice to adjacent property owners shall be mailed by the department and a fourteen day comment period from the date of the notice shall be provided. The amendment may only be granted by the department after consideration of any comments receive and if the performance standards of this chapter are met.

NEW SECTION. SECTION 19. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Liability insurance. Any facility permitted under this chapter shall be required to be covered by a certificate of insurance showing that a policy of comprehensive general liability insurance in the amount of no less than five hundred thousand dollars per occurrence, insuring the applicant against all claims or causes of action made against the applicant for damages arising out of the drilling, maintenance, operation or other work done with respect to such proposed facilities. The policy shall be written by a company authorized to do business in the state. The certificate shall require at least thirty days' notice to the county prior to termination of

coverage for any reason. If the insurance policy lapses or becomes void for any reason, all activity shall cease (and the well site secured within five working days) until a new insurance certificate is filed with the county.

NEW SECTION. SECTION 20. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Emergency preparedness plan required. Each operator shall provide an emergency preparedness plan. The plan shall be updated on an annual basis or as conditions change (e.g. changes to responsible field personnel change or ownership). The plan shall be coordinated with and approved by the county office of emergency management and provided to fire, police and emergency service providers serving the facility, prior to beginning field operations. The emergency plan shall consist of the following information, as a minimum:

A. Name, address and phone number, including a twenty-four hour emergency number of at least two persons responsible for emergency field operations.

B. An as-built facilities map showing the name, location and description of all minor and major facilities, including the size and type of all pipelines.

C. A written response plan for the potential emergencies (e.g. explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills) that may be associated with the operation of the facilities.

D. Project specific emergency preparedness plans for any project that involves drilling or penetrating through any known deposits of hydrogen sulfide gas.

NEW SECTION. SECTION 21. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Review criteria for a major facility. Any decision for an application for a major facility shall be based upon compliance with all applicable performance standards and other requirements of this chapter, as well as, the following criteria:

A. The demonstrated need for the facility, in the location proposed, to serve the applicant's existing and

projected oil and gas development, production and operational requirements.

B. Suitability of the location of the proposed facility given its size, design and operational characteristics. Factors to be considered include noise levels, impacts upon air and water quality, vibration and odor levels, fire protection and access requirements, visual impacts, wildlife impacts and public safety. These factors will be evaluated in accordance with applicable state, county and federal standards and criteria.

C. Adequacy of existing roads and access to the site. Factors for consideration include existing and proposed road alignment, intersections, condition, structure and site distances; traffic volumes and types of equipment; dust control; and existing road uses.

D. Site characteristics. Factors for consideration include:

1. Topography of the site and adjacent properties,
2. Critical areas (e.g. wetlands and streams, landslide areas, floodplains, steep slopes and wildlife habitat), and
3. Value of any potential open space or resource use (e.g. open space corridors, urban separators, agricultural soils and timberlands).

E. Compatibility with existing uses and those which can be anticipated based upon present subdivision and land use approvals for properties located within the surrounding affected area.

NEW SECTION. SECTION 22. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Performance standards. All facilities shall be subject to the following:

A. Except as provided in subsection B, setbacks for facilities shall be four hundred feet between the facility's structures or mechanical equipment and the closest existing residential structure or two hundred feet from the facility's structures or mechanical equipment and the closest property line abutting an undeveloped property zoned R, UR, RA or F, whichever results in the largest setback. This setback may be reduced only if written consent to a waiver of this standard is obtained from the affected property owner.

B. Setbacks for gas gathering lines and water collection lines serving minor oil and gas facilities, including trunk and lateral lines, shall be one hundred feet from any existing structure on adjacent properties; and

C. Sound emissions from facilities shall be controlled by:

1. Venting exhaust from engines, motors, coolers and other mechanized equipment in a direction away from the closest existing residences;

2. Fitting engines or motors, which are not electrically operated, with quiet design mufflers (also referred to as hospital grade or dual dissipative); and

3. Anchoring all mechanized equipment to minimize transmission of vibration through the ground.

NEW SECTION. SECTION 23. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Special mitigation measures. Where a facility does not comply with the required performance standards, additional noise mitigation may be required.

A. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:

1. Nature and proximity of adjacent development (design, location, type);
2. Prevailing weather patterns, including wind directions;
3. Vegetative cover on or adjacent to the site; and
4. Topography.

B. Based upon the specific site characteristics set forth in subsection A, the nature of the proposed activity and its proximity to surrounding development, and the type and intensity of the noise emitted, additional noise abatement measures may be required. The level of required mitigation may increase with the proximity of the facility to existing residences and residential lots or wildlife habitats and corridors and/or the level of noise emitted by the facility. One or more of the following additional noise abatement measures, listed

below in ascending order of mitigation, may be required:

1. Acoustically insulated housing or cover enclosing the motor or engine;
2. Solid wall or fence of acoustically insulating material surrounding all or part of the facility;
3. Acoustically insulated building enclosing the installation; or
4. Limits on hours of operation.

NEW SECTION. SECTION 24. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Access limitations. Security fencing and a locked gate for shall be required in the following instances:

A. Where there are existing structures for human habitation or use within six hundred and sixty feet of the facility site perimeter;

B. Where there are existing or planned parks, open spaces or trails within six hundred and sixty feet of the facility site perimeter; and

C. Gates providing access to open-ended discharge valves on all storage tanks, pipelines and other containers shall be secured where the facility site is unattended and/or accessible to the general public.

NEW SECTION. SECTION 25. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Use of natural screening. Facilities shall be sited to maximize the amount of natural screening available for the facility. Natural screening includes, but is not limited to, the use of existing native vegetation as a background, the construction of the facility near mature stands of vegetation, the construction of the facility in canyons or behind ridges and natural rock formations. If natural screening involves existing mature vegetation and timber if to be harvested on the site, then the applicant shall record an agreement to maintain an undisturbed buffer with a width of at least fifty feet along the perimeter of the site. This recorded agreement shall be placed on the title of the property and shall be provided by the applicant to any individual or company that has the right to harvest the trees.

NEW SECTION. SECTION 26. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Lighting. Exterior lighting, when required, shall be directed downward to avoid impacts to wildlife and be shielded to reduce glare on adjacent properties.

NEW SECTION. SECTION 27. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Impacts to wildlife. To reduce impacts to wildlife, the following steps shall be required:

- A. Minimize or avoid drilling and construction activities during critical use periods;
- B. Minimize or avoid onsite operation and maintenance activities during critical use hours;
- C. Preserve undergrowth and native vegetation on the perimeter of a facility to provide nearby habitat for wildlife; and
- D. Identify and preserve wildlife corridors.

NEW SECTION. SECTION 28. There is hereby added to K.C.C. Title 21A a new section to read as follows:

Water use and disposal. Sources of fresh water required for facility operation shall be identified by the applicant. Any onsite containment pit for disposal of water associated with the operation of a facility shall be fenced, unless fencing is otherwise required for the perimeter of the facility or unless the slopes of the containment pond do not exceed a ratio of one foot vertical to five feet horizontal.

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