

Chapter 16.210

OIL AND GAS PRODUCTION

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16.210.010 Title and Purpose of Provisions.

A. Title. The Provisions of Chapter 16.210 shall be known as the "oil and gas production regulations" of this title.

B. Purpose. The purpose of the "oil and gas production regulations" is to establish reasonable and uniform limitations, safeguards and controls for the present operation of and future drilling for and production. of oil, gas, and other hydrocarbon substances within the city so that such activities may

be conducted in harmony with other uses of land within the city, thus protecting the people of the city in the enjoyment and use of their property and providing for their comfort, health, safety and general welfare. (Ord. 707 §1, 2005)

16.210.020 Definitions.

A. Those definitions provided in Public Resource Code Section (PRC) 3000 et seq. relating to oil and gas exploration and production shall apply to this chapter and are adopted herein by reference. In addition to those definitions in the PRC, the following shall apply:

B. All terminology used in this chapter, not defined below, shall be in conformance with applicable publications, -of the American National Standards Institute (ANSI) or its successor body.

dB(A) or dBA means the sound level in decibels as measured on a sound level meter using the A-weighting network:

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Production facilities means all equipment, pipelines, etc., used for the purpose of producing or transporting oil, gas and other hydrocarbon substances within or through the City of Ripon, excluding normal public utility gas lines.

Sound level meter means an instrument meeting or exceeding American National Standard Institute's Standard S 1.4-1971 for Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data. (Ord. 707 §1, 2005)

16.210.030 Permits Required.

A. Permits. Appropriate permits shall, be obtained from the city for all oil, gas or other

hydrocarbon operations including, but not limited to, seismic or geophysical oil or gas exploration or survey, drilling a new or reworking an existing well for oil; gas or other hydrocarbon substances, construction of related facilities for oil, gas or other hydrocarbon production. The following permits shall be required:

1. A conditional use permit shall be obtained prior to the drilling of a new well or the reworking of an existing well which has not complied with these regulations, or prior to the construction of any new related facilities for the production of oil, gas or other hydrocarbon substances within or through the city excluding normal public utility gas lines.

2. A temporary use permit shall be obtained prior to seismic or geophysical surface-based exploration or survey for the purpose of locating gas, oil or other hydrocarbons, excluding any, exploratory drilling operations which, are subject to a conditional use permit.

3. A temporary use permit shall be obtained by the operator prior to any reworking of a well that has previously complied with these regulations.

B. Emergency Work. Whenever it is necessary to do work on a well to prevent a hazardous- condition or the loss of the well, the operator is authorized to do such work without permits; however, the operator must immediately report any emergency which has the potential of threatening adjoining properties. All other emergencies must have a preliminary report submitted to the city within twenty-four hours and a final report within five working days after the emergency work is completed. Such emergency work shall be excluded from the maximum permissible sound levels during the term of the

emergency only.

C. Application Submittal. All applications for conditional use permits listed in subsection A of this section, shall include the following information in addition to the standard information required for a conditional use permit application:

1. Plan of drill site, production, storage and all surface facilities, including each derrick, tank, sump, pipeline, boiler and, other existing and proposed equipment, including the distance to all existing and approved dwellings and other structures and land uses within a one thousand five hundred foot radius of the subject oil/gas facility;

2. Names and addresses of the mineral, surface and lease owners of the subject well and parcel;

3. A statement of the provisions for water for the drill rig;

4. Name and address of the person upon whom service of process upon applicant may be made, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations of the applicant;

5. A statement that the applicant has the right, by reason of ownership or the permission of the owner, to pass through and enter all property through which such well is proposed to pass and that the applicant is duly authorized by the property owner to make and file the application;

6. A complete legal description of the subject site;

7. A brief description of the manner in which the oil will be produced and transported if the drilling operation is successful;

8. An oil spill contingency plan that specifies the location, description of responsibilities for cleanup and monitoring, disposition of wastes, and reporting incidents;

9. A phasing plan for the staging of the drilling operations, including but not limited to, an estimated timetable for project construction, operation, completion and abandonment, as well as location and amount of land reserved for future expansion;

10. Copies of all other required permits, insurance and bonds, including but not limited to those required by The California Division of Oil and Gas (DOG), the Regional Water Quality Control Board and the Bay Area Quality Management District;

11. An acoustical study prepared by a qualified acoustical engineer documenting existing ambient noise levels over a twenty-four hour period on the drill site and within a five hundred foot radius, if there are any occupied buildings within that radius;

12. Any and all other information that the city may, in its discretion and from time to time, require;

13. A written agreement duly executed by the applicant that in the event a permit is issued by the city, the applicant will as a condition to any operations within the city faithfully comply with and abide by each and all of the provisions; requirements, and, conditions of this chapter, and conditions of approval. (Ord. 707 §1, 2005)

16.210.040 Development Standards.

The following development standards are applicable, to all drilling or production operations within the city unless approved otherwise through the conditional use permit procedure:

A. All drilling and production operations shall comply with California Public Resource Code Section 3000 et. seq., all regulations of the State DOG, State Division of Industrial Safety and all other agency regulations which apply to such

operations.

B. Minimum Production Site Size. All production sites shall be minimum of one acre in size in order to accommodate consolidation of drill site, equipment, soundproofing, landscaping, circulation, and allow for reuse of the property at such time as the site is not longer utilized for drilling operations.

C. Access Roads and Production Site. All private roads used for access to the production site and the production site itself shall be surfaced with a permanent or semi-permanent surface such as rock or gravel and maintained to prevent dust or mud.

D. Sumps or Ponds. All sumps, sump pits, ponds or similar devices such as portable tanks constructed onsite for 'the purpose of holding waste material shall be lined to prevent such waste material from penetrating into the soil. Furthermore, when such sump, pit or pond is no longer needed, it shall be excavated of all foreign materials and filled with compacted earth to the level of the surrounding terrain.

E. Fencing. All sumps, pits, excavations and production sites shall be enclosed with a fence, the type of fencing and height to be determined by the planning commission at the time of consideration of the conditional use permit.

F. Abandonment of Site. At such time as the oil or gas drilling or production site is abandoned, the responsible party shall abandon the site in accordance with the DOG regulations for urban areas and all other applicable regulations: Furthermore, the drill or production site and all access roads shall be restored " to their original condition or as nearly as practicable unless approved otherwise by the DOG and the planning director of the city upon receipt of a

written request by the property owner. The responsible party shall furnish the city with a copy of the DOG approval showing compliance with all abandonment proceedings under state law.

G. Nonproducing Well. Whenever the cost of production exceeds the revenue produced by an oil or gas well or whenever a well is shut down for a period of ninety consecutive days or more, it shall be considered a nonproducing well. When a well is determined to be nonproducing or is shutdown for ninety consecutive days or more, the operator shall report to the city the status of such a well.

The operator shall then have ninety days to conduct an engineering evaluation to determine the economic viability of continuing production operations. If it is determined that the well is no longer economically viable, the well shall be abandoned in conformance with Section 16.210.040(F).

The operator shall submit, upon request, reports to the city on each well reflecting the cost/revenue ratio of each well in order to determine if the well is nonproducing.

H. Site Development. At the time of application for a conditional use permit to all drilling and production, the applicant shall submit a plan showing relationship to existing land use, ultimate land use if different and shall indicate proposed mitigation measures to all anticipated impacts including but not limited to noise, light or glare, odor, traffic, aesthetics, etc. Furthermore, the application shall include a plan for the ultimate reuse of the "drilling or production site and how the ultimate use of the site will relate to adjacent uses.

I. Screening and Landscaping Production Sites. All oil or gas production sites shall be adequately screened from adjoining properties and

public rights-of-way, the type of screening and landscaping to be determined by the planning commission at the time of consideration of the conditional use permit.

J. Well Location.

1. Setbacks. No new well, storage tank or production facility shall be located within:

a. Five hundred feet of any building including dwellings, except buildings incidental to the operation of the well, unless written permission is obtained from each affected property owner, and subject to DOG standards;

b. One thousand feet of any building used for public assembly, such as schools and churches.

K. Soundproofing. If drilling or redrilling operations are located within one thousand feet of an occupied building, noise sources associated with the operation shall be enclosed with soundproofing sufficient to ensure that expected noise levels do not exceed the noise limits contained in this chapter. Permittee shall install every device in the nature of exhaust mufflers and other equipment for the elimination of noise, obtainable and practicable for that purpose, on all operating machinery and equipment and on the well in all instances where objectionable noises might otherwise exist. Soundproofing shall be installed prior to commencement of operations and shall include but not be limited to the following:

1. Any well which is to be drilled or redrilled, and which is within five hundred feet of an occupied building shall have all parts of a derrick above the derrick floor, including the elevated portion used as a hoist, enclosed with fire resistive soundproofing blanket or panel material. Such soundproofing shall comply with accepted American Petroleum Institute standards and shall be subject to fire department regulations. All

doors shall be closed during drilling, except for ingress and egress and necessary logging, testing and well completion operations. Alternative materials or methods of noise abatement may be used, such as electric power for drilling; provided such alternative is approved by the planning commission. The commission may approve any such alternative if they find that the proposed material and/or method have equal soundproofing properties and fire resistive qualities to being enclosed as stated above. Any alternative may require the submission of evidence by the permittee to substantiate any claims that may be made regarding the use of such alternatives. The planning commission may waive these soundproofing requirements if they find them unnecessary.

2. Any well which is to be drilled or redrilled, and which is within five hundred one to one thousand feet of any occupied building shall be enclosed by a plywood fence with fire resistive sound insulating material on the interior of the fence. The fence shall specifically enclose all generators and the drill rig itself, to a height of twenty feet from grade. Alternative materials or methods of noise abatement may be used, such as earthen berms, other sound insulating materials, or other methods proposed by applicant, or electric power for drilling, provided such alternative is approved by the planning commission. The commission may approve any such alternative if they find that the proposed material and/or method have equal soundproofing properties and fire resistive qualities to being enclosed as stated above. Any alternative may require the submission of evidence by the permittee to substantiate any claims that may be made regarding the use of such alternatives. The planning commission may waive these soundproofing requirements if they find them

unnecessary.

L. Signs. All oil/gas facilities shall have a legible, permanent, prominently displayed and maintained metal sign no less than two square feet in area containing the following: name of the drilling contractor, name of the owner or operator, twenty-four hour emergency phone number, lease name and name and number of the well. If the operator changes, it will be the new operator's responsibility to replace the sign within thirty days after the change.

M. Derricks. All derricks and masts shall be consistent with California Division of Industrial Safety and OSHA standards, be at least equivalent to the standards and specifications of the American Petroleum Institute (API), and meet the following standards:

1. All derricks or masts, standard or portable, used for drilling, redrilling, rework, production or servicing, within two hundred feet of a public right-of-way, school, residence or building, shall have derrick crown(s) shrouded to prevent oil and water spraying into the air.

2. All derricks and masts hereafter erected for drilling, redrilling or rework shall be removed within thirty days after completion of the work unless otherwise ordered by the director of the DOG.

N. Permittee shall immediately remove the derrick and all other structures not required in the event that only gas is produced from the well and erect a suitable and sightly structure over the well of the most modern and approved design for the purpose, using only such space for the same as is necessary, and also shall fill all holes and excavations, save the well, and restore all surfaces to their original condition.

O. Storage Tanks/Production Equipment.

1. Unless otherwise permitted by the

planning commission, the total capacity of oil storage facilities shall not exceed two thousand barrels per well, and no tank shall exceed one thousand barrels capacity. Tanks shall be constructed and maintained to be vapor tight.

2. Each oil, gas separator shall be equipped with both a regulation pressure-relief safety valve and a bursting head.

3. No storage tank shall be erected closer than fifty feet from any building, nor shall any building be erected within fifty feet of any storage tank. The city may permit this distance separation to be reduced for low occupancy industrial or warehouse buildings, subject to additional or special safety of fire systems requirements which may be approved and imposed by the fire district. These distance provisions shall not apply to any tank or related facility constructed prior to 1998.

4. All tanks and attached fixtures shall be constructed and maintained in accordance with API, OSHA, California Division of Industrial Safety, DOG, National Fire Protection Association (NFPA) and EPA standards.

5. Tanks shall rest directly on the ground or on foundations or supports of gravel, concrete, masonry, piling or steel. Tank foundations shall be elevated, level and larger in diameter than the tank itself. Exposed piling or steel tank supports shall be protected by fire resistive materials to provide a fire resistance rating of not less than two hours. Tank supports and connections shall be designed and installed to resist damage as a result of seismic activity.

6. No tank for storage of any flammable liquid shall be located closer than three feet to any other such tank.

7. New tanks used for storage of crude petroleum and other flammables shall be diked or provided with diversion walls and catchment basins, or combinations thereof, to meet the

requirements of the DOG and NFPA. The volumetric capacity of a diked area shall not be less than capacity necessary to hold the full volume of the largest tank below the height of the dike.

8. Dike walls shall be of concrete, solid masonry or earth designed and maintained to be liquid tight and to withstand a full hydrostatic head, except that all dikes in residential zones shall be solid masonry or poured in place concrete. Asphaltic surfacing shall be required on all earthen dikes. Surfacing shall be impervious and prevent leaching through pavement.

9. All tank piping, valves, fittings and connections including normal and emergency relief venting, shall be installed and maintained in accordance with current API standards.

10. All production equipment shall be kept painted in neutral, earthtone colors and maintained at all times. (Ord. 707 §1, 2005)

16.210.050 Noise.

A. Noise Limits. No drilling, producing, or other operations (including workover operations) shall produce noise at the property line of a noise sensitive receptor in excess of the following standards, with respect to these basic reference levels.

Basic Reference Levels

7 a.m. to 10 p.m. 55dB(A)

10 p.m. to 7 a.m. 50dB(A)

B. Noise measurement and acoustical analysis shall be conducted by a qualified acoustical consultant experienced in the fields of environmental noise assessment and architectural acoustics using a sound level meter. All costs associated with said measurement and analysis shall be borne by the permittee. (Ord. 707 §1, 2005)

16.210.060 Performance Standards.

A. Noise Abatement. If noise complaints are received by the city, or if noise levels exceed those permitted by this chapter, a notice shall be issued to the operator.

Upon receipt of notice, the operator shall submit for the approval of the planning department the procedures the operator, will undertake to correct the violation. Corrective measures must be initiated within twenty-four hours of operator's receipt of the notice. The city may require additional or follow-up noise field tests by an acoustical engineer to ensure compliance, in which case the operator shall pay the actual costs to the city for such tests.

Failure to comply shall be reason for the city to limit drilling, re-drilling or other operations to daylight hours (seven a.m. to seven p.m.).

B. Light or Glare. It is unlawful for any person to operate, or cause to be operated any oil production equipment on any well, or incidental to a well, within the 'incorporated limits of the city, in any manner so as to direct any light or glare such that it negatively impacts any adjoining residential or commercial land uses. Furthermore, such light or glare must be directed away from any public street such that it will not create a traffic hazard.

C. Waste Discharge. At, no time shall any waste matter be discharged into the public sewer, storm drain, or irrigation systems, any stream or creek, or into the ground, except in accordance with the regulations or requirements of all applicable local, state or federal agencies.

D. Vibration. Any ground vibration generated by any oil or gas drilling or production operation which is discernible at any residentially developed property shall be prohibited: Vibration dampening equipment of the best available technology shall be installed as required by the city so as to reduce vibration' to a minimum.

E. Fire, Safety and Explosion. All uses shall

provide adequate safety devices against fire, explosion and other hazards and adequate fire fighting and fire suppression equipment in compliance with applicable fire prevention codes.

F. Air Pollution. All uses shall comply with regulations 'of the San Joaquin Valley. Unified Air Pollution Control District.

G. Flaring Wells. The flaring of wells shall be limited to, daylight hours only.

H. Heavy Equipment. Transport of heavy equipment or large trucks to and from the production site shall be limited to the hours of seven a.m. to ten p.m. (Ord. 707 §1, 2005)

16.210.070 Consolidation of Drilling Sites.

A. Site Development. At all times when practical and reasonable, new drill sites shall be developed at an existing established drill site in order to free more land for other uses and reduce the interface between oil or gas activities and other land uses, thereby making the potentially adverse impacts from such operations easier to mitigate; and provide for the opportunity to establish greater buffers and separation between oil or gas facilities and other uses.

B. Limiting Drilling Sites. Whenever a new drilling site is proposed, the proponent shall analyze in conjunction with the city and the DOG, all gas or oil zones and the typical reach of directionally drilled wells in order to establish a site where all or most of the resource can be removed from one drilling site. (Ord. 707 §1, 2005)

16.210.080 Noise Control Officer Designated.

The noise control officer shall be the planning director or a person designated` by the planning director of the city. The noise control officer is

authorized to enter property for the purpose of investigating complaints of noise or for normal periodic checks of noise levels at drilling or production sites. (Ord. 707 §1, 2005)

16.210.090 Nonconforming Drilling or Production Sites.

Drilling or production sites legally established within the unincorporated area and subsequently annexed to the city of Ripon may continue without complying with the requirements of this chapter provided the site or operations on the site do not create a public nuisance as defined within this chapter. Whenever an existing drilling or production site which has not complied with these regulations is reworked, it shall then comply with these regulations. (Ord. 707 §1, 2005)

16.210.100 Nuisance.

No person shall conduct any oil or gas operation in a manner that would create any noise, odor or vibration detrimental to the health, safety, or welfare of the surrounding area or any reasonable number of persons. Such manner of operation is declared to be a public nuisance and when determined by the city that a drilling site or operation constitutes a public nuisance, the city shall take all actions necessary and available to abate such nuisance. (Ord. 707 §1, 2005)

16.210.110 Spills.

In the event of any leak or spill of any pollution or deleterious substance, whatever the cause thereof, the permittee shall notify the planning department. If, in the judgment of the city, such leak or spill - represents a potential environmental hazard, the city may issue whatever corrective orders deemed appropriate, and may require the appropriate testing of the surface and

subsurface for pollutant incursion, the cost of such tests to be borne by the permittee. (Ord. 707 §1, 2005)

16.210.120 Building Permits.

Building permits shall be secured for all permanent structures in: conformance with the Uniform Building Code. Electrical permits shall be required for all electrical connections for drilling/redrilling and/or pumping units if electrical motors are utilized. (Ord. 707 §1, 2005)

16.210.130 Insurance.

No operations shall commence until the applicant files with the city insurance certificates as follows:

Permittee shall carry a policy of standard comprehensive general public liability insurance for the drilling period, including coverages for sudden and accidental pollution including the cost of environmental restoration, underground resources coverage and completed operations. The policy shall insure the city against all costs, charges and expenses incurred by it for cleanup of sudden and accidental pollution. The insurance shall name the city as an additional insured for third party liabilities arising from any oil/gas drilling operations insured under the certificate during the period of coverage. Insurance shall include contractual liability covering bodily injuries and property damage, naming the permittee and the city of Ripon, in the amount of one million dollars per occurrence. The deductible must be no greater than ten thousand dollars. The policy shall provide for a thirty day cancellation notice to the city in the event the policy will be terminated for any reason except nonpayment of premium in which case the notice period shall be ten days. (Ord. 707 §1, 2005)

16.210.140 Indemnification.

The operator shall indemnify, defend and hold the city, and their elected officials, officers, agents and employees free and harmless from all actions, suits, claims, demands, liability, costs, and expense, including prosecution claimed or established against them, or any of them, for damage or injuries to persons or property of whatsoever nature, arising out of or in connection therewith the acts or omissions of operator, its servants, agents, or employees, or to which operator's negligence shall in any way contribute, or arising out of the operator's failure to comply with the provisions of any federal, state or local statute, ordinance or regulation applicable to the operator. (Ord. 707 §1, 2005)

16.210.150 Sale of Wellsite.

Whenever a well is to be sold, the permittee shall notify the planning department in writing a minimum of thirty days prior to the effective date of sale. (Ord. 707 §1, 2005)

16.210.160 Right of Entry.

Any officer or employee of the city whose duties require the inspection of the premises shall have the right and privilege at all reasonable times, to enter upon any premises upon or from which any operations being conducted for which any permit has been issued or is required, for the purpose of making any inspections. No owner, occupant, or any other person having charge, care or control of any premises shall fail or neglect to permit entry. (Ord. 707 §1, 2005)

16.210.170 Notices.

Every operator of any well shall designate an agent, who must be a resident of the state during all times he or she serves as agent, upon whom all

orders and notices may be served in person or by mail. Every operator shall, within five days, notify the planning department in writing of any change in such agent or mailing address. The operator shall submit to the planning department a copy of the Division of Oil and Gas report of property/well transfer/acquisition - within thirty days after sale, assignment, transfer, conveyance or exchange of any oil/gas facilities. (Ord. 707 §1, 2005)

16.210.180 Violations.

Any use, operation, building, tank pipeline, site, structure, excavation or sump established or used contrary to the provisions of this chapter is deemed to constitute a public nuisance, and shall be subject to abatement, including injunctive relief against the creation, maintenance or allowance of any nuisance as well as such other remedies as may be provided in the Ripon Municipal Code. In addition, any violation of this chapter shall constitute a misdemeanor. (Ord. 707 §1, 2005)

16.210.190 Stop Orders.

If any operator is violating any of the provisions of this chapter which affect public health and safety, the city may issue a stop work order for immediate cessation of operations. The operator shall immediately comply with the order and shall not resume operations until written consent from the city has been obtained, or unless ordered by the DOG due to special or emergency circumstances. (Ord. 707 §1, 2005)

16.210.200 Revocation of permit.

A. Findings for Revocation. Any permit issued pursuant to the provisions of this chapter may be revoked by the planning commission, or

on appeal by the city council, upon finding either:

1. That permittee has failed, neglected, or refused to comply with and abide by any of the conditions of their permit; or

2. That permittee has failed, neglected, or refused to comply with and abide by, or has in any way violated any of the provisions of this chapter, any other ordinance of the city, or any other law, rule or regulation, either directly or indirectly, by reason of, in connection with, or incident to his operations under the permit or upon the premises covered by such permit; or

3. That any of permittee's operations, or the continuance thereof, upon the premises covered by his/her permit are or are likely to become a menace or hazard to business, to any public property, to any interest of the city, or to the lives or safety of persons; or

4. That permittee has made a willful misrepresentation of fact in any application for such permit or in any report or record required by this chapter to be filed with or furnished to the city by permittee.

5. Any permit, either in connection with a proceeding for the revocation thereof or otherwise, may be suspended by the commission or council upon finding that the operations of the permittee constitute or have become an immediate menace or hazard to commerce, to any public property, to any interest of the city, or to the lives or safety of persons. The suspension and/or revocation of any permit shall be made and accomplished in the following manner.

a. At a public hearing before the planning commission, the permittee and the public shall be given an opportunity to present information relevant to consideration of suspension or revocation of the permit.

b. Following the public hearing, or on appeal

by the city council, notice of suspension and/or revocation shall be served upon permittee, stating the reasons and grounds upon which the proposed action is based, requiring permittee within fifteen days after the service upon him/her of such notice, to cure and remedy any fault, noncompliance, or violation of any condition for which suspension or revocation of the permit may be made. Five days after the time herein provided for the curing of any default, or within any further times as the commission or council may have granted, has expired, said permit shall, without any further or other action of or by the city, be revoked.

B. It is unlawful to carry on any of the operations authorized by any permit during any period of suspension or after revocation; provided that nothing shall prevent the performance of such operations as may be necessary for safety, or to cure and remedy the default, noncompliance or violation for which suspension or revocation was ordered. (Ord. 707 §1, 2005)

16.210.210 Development Encroachment in Petroleum Areas.

A. Onsite Petroleum Facilities. Where a developer proposes to subdivide, rezone or otherwise develop property, which contains existing drilling and/or production operations, the developer may provide a plan showing how all existing petroleum related facilities will be protected and integrated into the proposed development so such facilities will satisfy the requirements of this chapter. The developer may also submit a plan of the ultimate use of the land after cessation of petroleum operations and abandonment of the wells. Any buildable lot containing an area which may not be built upon because development could not comply with this chapter shall be encumbered by the developer with a deed restriction specifying the area

so encumbered

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and identifying the name and location of the well causing the encumbrance. If a final map is filed, such encumbrance shall be recorded concurrent with the final map. If a petroleum facility is subsequently abandoned, such lot may then be considered for development, pursuant to this chapter.

B. Abandoned Wells. Tentative maps, planned development and other development plans submitted to the city may show the location of all wells drilled on the property. Prior to development of an area, any well shown as abandoned shall be accompanied by written verification for the DOG. Development shall be designed such that the building official is satisfied that no structure will be built within ten feet of any well that has been properly abandoned pursuant to DOG requirements. Any lot or parcel containing an abandoned well shall be encumbered with a deed, restriction specifying the exact location of such well and prohibiting any construction within said ten foot area. If a final map is recorded, the encumbrance shall be recorded concurrent with the final map. The DOG, at their discretion, may also require that any abandoned well be uncovered, tested for leakage;

require remedial work on leaking wells, and be accurately located on the final map before recordation of the map.

C. Drilling Islands. As part of any rezoning, subdivision, or other development, the developer may provide the city with written documentation that he/she has contacted all mineral rights owners who have rights of surface entry on the property, to either reserve lands for future drilling and/or production operations as drilling islands, or to waive their rights to drill for oil and gas under the surface, within the subject site. Drilling islands shall be no less than two net acres in size, configured so that the proposed development -and petroleum activities can be adequately buffered from one another, provide for adequate access, and be accompanied with a plan of the ultimate use of the site after abandonment or a decision not to pursue petroleum operations. Future drilling and/or production operations shall be required to acquire necessary permits as well as satisfy all well site development standards. (Ord. 707 §1, 2005)