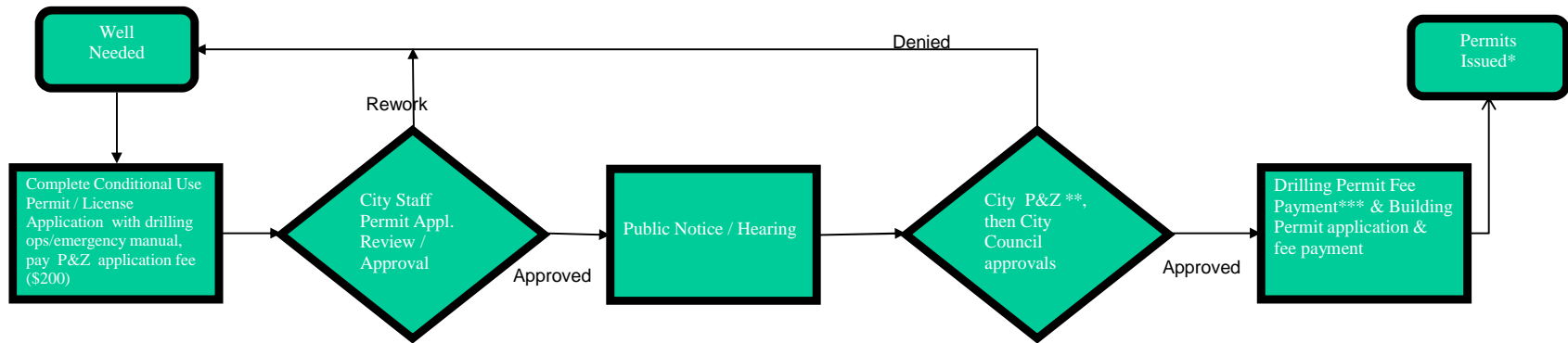


# Oil / Gas Well Drilling Process Flowchart & Timeline

(for a nominal fee you can request an expedited permit application)



\* if well is successful, a separate construction permit is required to build well site facilities for production (this is in addition to the conditional use permit and drilling permit)

\*\* in conjunction with Planning/Zoning application process the drilling permit documentation, a building permit for well location (\$2.10/\$1000), floodplain certificate, OK Corp. Comm. permit, etc. should be included with the application, along with all other Checklist so all conditional use permit documentation and permit information is available at the time of council review/approval

\*\*\* A drilling permit is in addition to and done before a drilling permit can be issued. All documents and permits must be completed before a drilling permit can be issued. Minimum fee is \$7500.



Checklist

#	Desc (note: it is your responsibility to check with the city to verify all information is the current)	Ref
1	A conditional use permit must be granted prior to the drilling permit.	
2	Drilling Permit: All other City, state and or federal permits must also be acquired and standards adhered (e.g. flood plain certificate from city flood plain manager, City building permit from Community Development office: fence permit, electrical specs/inspection, fire marshal inspections; ODEQ for land disturbance (see oil & gas exceptions @ <a href="http://www.deq.state.ok.us/apps/nondiv/permitspublic/storedpermits/998.doc">http://www.deq.state.ok.us/apps/nondiv/permitspublic/storedpermits/998.doc</a> , sewer or water lines, etc.)	113.011
3	Each drilling permit application must be accompanied by a manual (PDF/electronic copy) of conditional use permit and payment receipts, and a procedure/ manual outlining well operations and emergency procedures, including adherence to this ordinance and any special requirements for hydrogen sulfide or hazardous materials spills at the well site or related to well fluids being transported on City streets, PE licensed engineer drainage plan for a 50 year rain event, a site drawing with proposed equipment and well site layout, etc.	113.011
4	A copy of the approved drilling permit from the corporation commission and a copy of the staking plot shall be filed with the city prior to issuance of the Oil and Gas Permit. A statement as to water usage and source for the drilling operations shall be included in the application. The application shall show the location of all equipment and in the case of booster pumps or compressor stations must show the maximum configuration of such equipment.	113.011
5	For an oil or gas well, the permit will only cover production and all equipment for one pad (a pad may have multiple wells, each to pay a separate fee). Any addition of a compressor unit or any change in production equipment on an existing well shall require approval of the City Manager and such approval shall be attached to the Oil and Gas Permit.	113.011
6	In order to receive an Oil and Gas Permit, the same rules, procedures, and fees for receiving a Oil and gas permit (§157.192) shall be observed.	113.011
7	Any application for an Oil and Gas Permit for the drilling of any oil and gas well or related equipment (for example gathering system) shall post with the City Clerk a certificate of insurance with and running to the city which has been executed by a company authorized to do business in the state showing that such company will pay and discharge any liability imposed by law for damages to public or private property and bodily injury, including death, in the following amounts and conditions:	113.014
8	An application shall be filed with the office of the City Planning Commission for review. Such application shall be in such form and content as the Planning Commission may by resolution establish;	157.192
9	The Planning Commission shall within 45 days of the date of the application transmit to the City Council its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare and the recommendation of the Planning Commission;	157.192
10	For each application for a conditional use permit, a fee as set by the City Council by motion or resolution shall be paid to the City Clerk-Treasurer. The cost of legal publication and required notices shall be the responsibility of the applicant, also each applicant shall submit an accurate legal description and map of the land and existing buildings. A certified abstractor's list of all owners of property located within 300 feet of subject property (well location perimeter) shall be submitted;	157.192
11	The Planning Commission shall publish a notice of the public hearing in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public hearing giving the time and place of the public hearing and the proposed conditional use. Notice shall be mailed to all owners of property located within 300 feet of the subject property (well location perimeter) at least 20 days prior to the hearing;	157.192
12	The City Council may make its approval of any conditional use permit subject to conditions when in its judgment compliance of the applicant to the conditions would diminish adverse impact of the desired use on surrounding uses. The conditions to be met shall be made an integral part of the City Council action authorizing the conditional use permit.	157.192
13	Fees: Well Drilling conditional use permit (can have multiple wells on one permit, cost is per well on pad/permit). Permit is valid for one year. You should plan on this being at least \$8,000-\$10,000 for the entire process through getting a drilling permit. Permit to construct production facilities are separate and in addition.	By Council Resolution
14		
15		

## **ORDINANCE No. 1583**

### **AN ORDINANCE ESTABLISHING REGULATIONS FOR OIL AND GAS WELLS AND ASSOCIATED FACILITIES**

---

**SECTION 1.** A new chapter is hereby added to the Code of Ordinances of the City of Durant to read as follows:

#### **CHAPTER 113 - OIL AND GAS WELLS AND ASSOCIATED FACILITIES**

##### **§ 113.001 PURPOSE AND INTENT.**

In order to protect the health, peace, safety and welfare of the city and its residents, these regulations are promulgated to establish reasonable and uniform limitations, safeguards and controls for the drilling, operation and production, storing, transportation, and pipeline transmission of oil, gas and other hydrocarbon substances within the corporate limits of this city and provide that this land use may be conducted in harmony with other uses within this city.

##### **§ 113.002 AUTHORITY.**

These oil and gas well regulations are ratified by ordinance of the city in accordance with the provisions in 11 O.S. §§ 45-101 through 45-104.

##### **§ 113.003 VALIDITY.**

If any section, clause, division, provision or portion of these regulations shall be held invalid, or unconstitutional, by any court of competent jurisdiction, such holding shall not affect any other section, clause, division, provision or portion of these regulations.

##### **§113.004 ADMINISTRATION, ENFORCEMENT, AND AMENDMENT**

- (A) The City Manager or their designee shall employ or contract an inspector, and assistants, if necessary, whose duty it shall be to enforce the provisions of this chapter.
- (B) The inspector shall have the authority to issue any orders or directives required to carry out the intent and purpose of this chapter and its particular provisions. Failure of any person to comply with any such order or directive shall constitute a violation of this chapter.
- (C) The inspector shall have authority to enter and inspect any premises covered by the provisions of this chapter to determine compliance with the provisions of this chapter. Failure of any person to permit access to the inspector shall constitute a violation of this chapter.
- (D) The inspector shall have the authority to request and receive any records, logs, reports and the like relating to the status or condition of any well or project or the appurtenances thereof within the city. The permittee shall provide the requested records, logs, reports or other document within seven days of the request or such shorter period of time deemed necessary by the inspector and set forth in the request. This material shall remain confidential unless necessary as evidence of the violation of any of the provisions of this chapter. Failure of any person to provide any such requested material shall be deemed a violation of this chapter.
- (E) The City Council may, from time to time, adopt, amend and make public rules and regulations for the administration of these regulations. These regulations may be enlarged or amended by the City Council after public hearing, due notice of which shall be given as required by law.

- (F) The City Manager or their designee may enforce only these regulations and will not inspect for or enforce any state or federal statutes, rules or regulations which apply to the drilling, operation and production, storing, transportation, and pipeline gathering or transmission of oil, gas and other hydrocarbon substances within the corporate limits of this city. This shall not, however, be interpreted as to prohibit the Community Development Director from reporting any possible state or federal violations that are either observed or otherwise reported to the appropriate regulating authority.

#### § 113.005 DEFINITIONS.

- (A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED WELL.** Any oil, gas, disposal, injection or other service well, or any seismic, core or other exploratory hole, whether cased or uncased, the owner and operator shall be jointly and severally liable and responsible for the plugging thereof in accordance with these rules.

Each well in which production casing has been run, but which has not been in operation for one year, shall be properly plugged immediately. For new wells in which surface casing has been properly set and cemented to protect the fresh water, the well shall be plugged within thirty (30) days after cessation of drilling or testing. In the case of other newly drilled wells, without surface casing and in which drilling and testing operations have ceased, immediate plugging is required before abandonment. For the purposes of this rule, a shut-in gas well shall be considered a producing well and in operation, and therefore exempt from the plugging requirements herein.

**ARTIFICIAL PRODUCTION.** The raising to the surface of the earth by means other than natural flow of petroleum or natural gas.

**BOOSTER PUMP.** A centrifugal or piston pump used to increase the volume or pressure on a gathering line.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy. The term "building" shall be construed as if followed by the words "or portions thereof."

**COMPRESSOR STATION.** A single or series of compressor pumps for the artificial production or flow (volume and pressure) of more than one producing oil or gas well.

**COMPRESSOR UNIT.** A single compressor pump used to serve a single producing oil or gas well for the artificial production or flow (volume and pressure).

**CORPORATION COMMISSION.** The Oklahoma state corporation commission.

**DELETERIOUS SUBSTANCE.** Any chemical, salt water, oilfield brine, waste oil, waste emulsified oil, basic sediment, mud of injurious substances produced or used in the drilling, development, producing, transportation, refining and processing of oil, gas or condensate.

**ENHANCED RECOVERY.** An operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery there from.

**HIGHWAY.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**LOCATION.** One (1) well bore and one (1) tank battery unless the tank battery services more than one well bore or is more than one hundred feet (100') from the well bore it services in which case the tank battery shall be considered a separate location.

**MOTOR VEHICLE.** Any automobile, truck, truck tractor, trailer or semi-trailer or any motorbus or any self-propelled vehicle not operated or driven upon fixed rails or tracks.

**NATURAL PRODUCTION.** The raising to the surface of the earth, by natural flow, petroleum or natural gas.

**OIL AND GAS INSPECTOR.** That person qualified or employed by the city to enforce the provisions of this article or by his authorized representatives.

**OPERATOR.** Any person or entity who owns or has ever owned any right to search for or produce substances from a well, whether such right is derived from ownership of leasehold interests or by any other species of agreement conferring such right, who has ever owned any working interest in any well bore located within the corporate limits of the city and any person who has ever operated any well on a contractual basis for any working interest owner.

**PERMITTEE.** The person to who is issued a permit or permits in accordance with the terms of this article.

**PERSON.** Includes any person, firm, partnership, association, corporation, trust, cooperative or other type of organization.

**POLLUTION.** The contamination or other alteration of the physical, chemical or biological properties of any surface, natural waters, or environment of the city, or such discharge of any liquid, gaseous or solid substance into any water and environment of the city as will or is likely to create a nuisance or render such surface, waters or environment harmful or detrimental or injurious to public health, safety or welfare; to domestic, commercial, industrial, agricultural, recreational or other beneficial uses; or to livestock, animals or aquatic life.

**PRESSURE MAINTENANCE.** An operation by which gas, water or other fluids are injected into a supply of oil to maintain pressure or retard pressure decline therein for the purpose of facilitating recovery there from, and which has been approved by the corporation commission after notice and hearing.

**PUBLIC BUILDING.** All buildings used or designed and intended to be used for gathering fifty (50) or more persons for such purposes as deliberation, entertainment, amusement, health care or awaiting transportation. Public buildings include, but shall not be limited to:

- (1) Theaters
- (2) Motion Picture Theaters
- (3) Assembly Halls
- (4) Auditoriums
- (5) Exhibition Halls
- (6) Museums
- (7) Libraries
- (8) Skating Rinks
- (9) Gymnasiums
- (10) Bowling Lanes
- (11) Pool Rooms
- (12) Armories
- (13) Mortuary Chapels

- (14) Dance Halls
- (15) Club Rooms
- (16) Recreation Piers
- (17) Courtrooms
- (18) Conference and Convention Facilities
- (19) Drinking Establishments
- (20) Hospitals
- (21) Restaurants
- (22) Schools
- (23) Worship Facilities

**PUMP.** The submersible pump, pump jack, horsehead pump, walking beam pump, cable pump or any other device to bring up oil or other liquids from the well bore.

**SALT WATER.** Any water containing more than five hundred milligrams per liter (500 mg/l) of chlorides.

**SPACING.** Surface acreage allowed per well. (Determined by the Oklahoma corporation commission and state law).

SPCC . Spill Prevention, Control, and Countermeasures regulations (federal or state environmental protection agency regulations)

**STRUCTURE.** That which is built or constructed. The term "structure" shall be construed as if followed by the words "or portion thereof."

**TANK BATTERY.** The tanks used for the accumulation and storage of liquid products produced from oil and gas wells either at the well site or a separate location.

**TREATABLE WATER.** Surface and subsurface water in its natural state which may or may not require treatment to be useful for human consumption, and contains less than ten thousand parts per million (10,000 ppm) of total dissolved solids and/or five thousand parts per million (5,000 ppm) of chlorides.

**WATER, WATERS OF THE CITY OR CITY WATER.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the city or any portion thereof.

**WELL.** Unless specifically qualified, any hole or holes, bore or bores, to any depth for the purpose of producing and recovering any oil, gas or liquefied petroleum matter or deleterious substances, or for the injection or disposal of any of the foregoing.

- (B) All technical or oil and gas industry words or phrases used herein and not specifically defined herein shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry.

## **PERMITS, LICENSES, AND ZONES**

### **§ 113.010 ESTABLISHMENT OF ZONES; BOUNDARIES.**

- (A) In order to protect areas of this city which have been developed or are planned to be developed in the future, there are hereby designated as zone O&G in which the drilling operation and production, storing, transportation, and pipeline operations of oil, gas and other hydrocarbons is regulated in order to protect the character of such areas from the inherent hazards of these operations and to provide protection from noise, congestion, heavy traffic and encourage a suitable environment for people, their homes, schools and parks.
- (B) Zone O&G shall include all land within the city except that land in zone X.
- (C) Zone X shall include all land within the city in that all oil and gas activities, as regulated by this chapter, are prohibited.
- (D) This map, to be titled, "Oil and Gas Zones", is to be available for public review in the offices of the Community Development Department. As warranted, the Planning Commission shall conduct periodic reviews of the Oil and Gas Zone map. Upon their recommendation, the City Council may accept or reject their recommendations to amend the Oil and Gas Zone map.

### **§113.011 PERMITS AND INSPECTIONS**

- (A) An Oil and Gas Permit is required for drilling or reentering oil and gas wells, or construction of tank batteries, booster pumps or compressor stations, field gathering lines, flares and any other appurtenance used for oil and or gas production.
  - (1) All other City, state and or federal permits must also be acquired and standards adhered (e.g. flood plain certificate, City building permits, City fence permit, electrical specs, fire marshal inspections, ODEQ for land disturbance, sewer or water lines, etc.)
  - (2) City Emergency Management and Fire officials may enter and inspect unannounced.
  - (3) Each will permit application must be accompanied by a manual (PDF/electronic copy) outlining well operations and procedures, including adherence to this ordinance and any special requirements for hydrogen sulfide or hazardous materials spills at the well site or related to well fluids being transported on City streets.
    - (a) Any person desiring to drill an oil or gas well or to reenter an abandoned well, or to construct tank batteries, booster pumps or compressor stations (when they are on a separate location from the well site) within the areas designated as zone O&G must apply to the city and receive a Oil and Gas Permit authorizing said drilling in accordance with these regulations.
    - (b) A copy of the approved drilling permit from the corporation commission and a copy of the staking plot shall be filed with the city prior to issuance of the Oil and Gas Permit. A statement as to water usage and source for the drilling operations shall be included in the application. The application shall show the location of all equipment and in the case of booster pumps or compressor stations must show the maximum configuration of such equipment.
    - (c) For an oil or gas well, the permit will only cover production and all equipment for one pad (a pad may have multiple wells, each to pay a separate fee). Any addition of a compressor unit or any change in production equipment on an

existing well shall require approval of the City Manager or their designee and such approval shall be attached to the Oil and Gas Permit.

- (B) In order to receive an Oil and Gas Permit, the same rules, procedures, and fees for receiving a Conditional Use Permit (§157.192) shall be observed.
- (C) The Oil and Gas Permit shall be in lieu of receiving a Conditional Use Permit
- (D) An Oil and Gas Permit shall expire after ten (10) years, unless otherwise revoked in accordance with these regulations. If activity on the site does not commence within one (1) year from the date the Oil and Gas Permit is issued, then the permit shall expire.

**§113.012 PERMIT FOR CONSTRUCTION OF TANK BATTERIES, BOOSTER PUMPS, COMPRESSOR STATIONS AND PIPELINES.**

An Oil and Gas Permit shall be obtained from the city for the construction of tank batteries, booster pumps, compressor stations, any hydrocarbon processing facilities and pipelines within the city limits if they are located separately from a well and if they are used in the operation of more than one producing well. Each request for permit must be accompanied by a diagram or layout showing location, arrangement, and size. It shall also describe the construction method and materials of the tanks and the product or substance to be stored therein.

No person shall construct, erect, lay or otherwise install any tank battery, booster pump or compressor station on a location other than a well site without first having applied for and received an Oil and Gas Permit in accordance with these regulations. Each application shall be on a form prescribed by the city manager or their designee and shall include, but not be limited to, the following:

- (A) Diagram to scale showing each location with existing and proposed improvement;
- (B) Arrangement for size of existing and improvement;
- (C) Type of construction and materials of all improvements; and
- (D) Operations and emergency manual (electronic PDF file).

**§113.013 PERMIT REQUESTS FOR INJECTION WELLS AND SECONDARY RECOVERY PROGRAMS.**

Any permit request for an injection well or secondary recovery program shall meet the requirement of the corporation commission, in addition to any requirement to protect both surface and underground fresh water supplies as can be set by the planning commission and city council. Any additional requirement in regards to traffic, safety and surface soil and property pollution may be required for approval of an Oil and Gas Permit.

**§113.014 APPLICANT FOR PERMIT TO POST CERTIFICATE OF INSURANCE.**

- (A) Any application for an Oil and Gas Permit for the drilling of any oil and gas well or related equipment (for example gathering system) shall post with the City Clerk a certificate of insurance with and running to the city which has been executed by a company authorized to do business in the state showing that such company will pay and discharge any liability imposed by law for damages to public or private property and bodily injury, including death, in the following amounts and conditions:
  - (1) Bodily injury per person in the minimum amount of five million dollars (\$5,000,000.00);

- (2) Property damage per occurrence, including, but not limited to, underground damage, explosion, collapse, blowout, contamination, pollution and cratering in the minimum amount of two million five hundred thousand dollars (2,500,000.00); and
  - (3) Annual aggregate property damage in the minimum amount of two million five hundred thousand dollars (2,500,000.00).
- (B) The applicant shall maintain a current certificate during the term of any production.

**§113.015 FACTORS AFFECTING CONSIDERATION OF PERMIT.**

- (A) In considering an application for an Oil and Gas Permit, the planning commission and the city council shall consider the dangers of fire, explosion, leaking gas, noise, pollution, street damage and the traffic generated by such activity for the purpose of assessing the impact of this use upon the environment of the area and its affect upon the inhabitants of the new area and the whole city.
- (B) All ingress and egress to oil and gas drilling sites, tank batteries, booster pumps, compressor stations, and pipelines shall be from section line roads, except upon approval of the city council after recommendation of planning commission. Special provision to prevent wind and/or water erosion of roadways by application of dust-control agents shall be required.

**§113.016 CITY COUNCIL AUTHORIZED TO REVOKE OR SUSPEND PERMIT; NOTICE.**

The city council shall have the authority to suspend or revoke the Oil and Gas Permit of any person, company or other business association to drill or operate any location where the provisions of this article are violated and before suspending or revoking said permit, the City Manager or their designee shall cause written notice to be served upon the permit holder, advising him of the time and date of the hearing to consider his suspension or revocation. A minimum of fifteen days' notice of said hearing shall be given prior to any action being taken by the city council.

**§113.017 SPECIFIC ACTS CONSTITUTING VIOLATION OF OIL AND GAS PERMIT.**

- (A) It shall be a violation of the Oil and Gas Permit for any person, firm or corporation to deposit, place, throw, divert, or in any manner dispose of or cause or permit to be deposited, placed, thrown, diverted or disposed of within the corporate limits of the city, any crude petroleum oil or oily by-product thereof, or any tar or any product containing tar or any liquid with petroleum content or any substance thereof upon the waters of any lagoon, creek or tributary thereof, or upon the banks thereof or upon any land adjacent thereto which by reason of this location may cause such petroleum, oil or liquid with petroleum content to be deposited or diverted or may run or be transferred or carried into any lagoon or creek or the banks or tributaries thereof, except that the city council may permit the depositing, placing or discharging of mud or slush in such places as they may approve or into pipelines properly approved by the city council.
- (B) It shall be a violation of the Oil and Gas Permit for any person to deposit, drain or divert into or upon any public highway, street or alley, drainage ditch, sewer, gutter, paving, creek, river, lake or lagoon, any oil or liquid with petroleum content or any oily substance or any mud, rotary mud, sand, water or salt water, or in any manner to permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased or controlled by such person and to flow or be carried into or upon such public highway, street, or alley, drainage ditch, storm ditch, sewer, gutter, paving, creek, river, lake or

lagoon within the corporate limits of the city, except in such cases where mud or slush is carried in a pipeline as provided in these regulations, or in such instances where oil by-products are used for maintenance of private lease roads.

#### **§113.018 ANNUAL LICENSE REQUIRED**

- (A) It is unlawful for any person to conduct, operate or maintain an oil and gas wells and associated facilities within the city without a valid Oil and Gas License issued by the City. The permit for this license shall not be issued until the application and other supporting documentation, as determined by the City Manager or their designee, has been reviewed for compliance with these regulations.
- (B) The license issued by the city shall be posted in a conspicuous location visible to the public.
- (C) Any license issued under the authority of this chapter shall not be transferred to another company or location.
- (D) The initial license fee and renewal permit fee shall be set by motion or resolution of the City Council.

#### **GENERAL REGULATIONS**

#### **§ 113.030 OPERATOR TO NOTIFY IMMEDIATELY CITY OF BLOWOUT.**

If any well blows out or is out of control, the operator shall immediately notify the City Manager or the oil and gas inspector and the fire department by telephone or personal contact and the operator shall protect the area from pollution and other damages. Such phone numbers are to be on the Oil and Gas License and posted with a copy of the permit at the well site.

#### **§ 113.031 EMERGENCY SHUT DOWN OF LOCATIONS.**

The City Manager or their designee may shut down the drilling or production of any oil and gas location which is an immediate threat to the public safety and may also shut down such location for violations of this article which are not corrected in a twenty four- (24) hour period after verbal notice to the operator of a violation. A written log of such communications will be on file. It shall be a violation of this article for any operator to resume operations unless:

- (A) The violation has been corrected to the satisfaction of the city manager or their designee;
- (B) A proper order is issued by the district court having jurisdiction; or
- (C) Authorized by the city council after notice and hearing.

#### **§ 113.032 ICC INTERNATIONAL FIRE CODE ADOPTED BY REFERENCE; PROVISIONS CONSIDERED MINIMUM REQUIREMENTS.**

The ICC International Fire Code as it may from time to time be amended is hereby adopted by reference as if fully set forth herein. In the event there is a conflict between any provision of this chapter and a provision of the ICC International Fire Code, the most restrictive provision shall apply. The provisions set forth in this chapter shall be considered as a minimum requirement and shall not relieve any person, company or other business entity from any duty imposed by law, city, state, or federal regulation, to use reasonable care and take reasonable precautions for the safeguarding of people and the production and noninterference with property rights.

### **§113.033 ANNUAL SUBMISSION OF INFORMATION TO INSPECTOR REQUIRED.**

Effective March 1, 2008, and each year thereafter on March 1, every owner or operator of a well or wells, production facilities within the city shall provide the inspector with the following information:

- (A) A list of personnel to be contacted in case of an emergency at the well site or city transport route. This list shall contain all information reasonably requested by the inspector, including, but not limited to, the following:
  - (1) The name(s) of such person or persons;
  - (2) The job description(s) of such person or persons; and
  - (3) The residence, office and mobile telephone numbers of such person or persons.
- (B) A list of all wells, facilities or vehicles owned or operated within the city by that owner or operator. This list shall include all equipment, wells, except wells which have been plugged and abandoned in compliance with the law. The list shall contain all information reasonably requested by the inspector, including, but not limited to, the following:
  - (1) The lease name and well number of each well;
  - (2) The legal description (1/4 Section, T.R.) of each well; and
  - (3) The status and use of each well.

### ***TECHNICAL REQUIREMENTS***

#### **§113.050 DRILLING OPERATIONS, EQUIPMENT.**

All drilling, reentry and operations at any well performed under this article shall be conducted in accordance with the best practices of the reasonably prudent operator. All casing, valves, and blowout preventers, drilling fluid, tubing, bradenhead, Christmas tree and wellhead connections shall be of the type and quality consistent with the best practices of such reasonably prudent operator. Setting and cementing casing and running drill stem tests shall be performed in a manner and at a time consistent with the best practices of such reasonably prudent operator. Any permittee under this article shall observe and follow the recommendations or regulations of the American Petroleum Institute and the corporate commission, except in those instances that are specifically addressed by this article. A copy of all logs associated with the surface casing shall be filed with the oil and gas inspector.

H2S operations require special metals, equipment and procedures as outlined by API RP 49, Recommended Practice for Drilling and Well Servicing Operations Involving Hydrogen Sulfide, 2nd Edition/May 2001/Reaffirmed, March 2007 and any other applicable state or federal government standard (e.g. OSHA, EPA)

#### **§113.051 LOCATION OF OIL AND GAS WELLS, COMPRESSOR STATIONS, BOOSTER PUMPS, ETC.**

- (A) Oil and gas wells drilled, construction of booster pumps, compressor stations, and aboveground appurtenances of pipelines shall not be nearer than three hundred (300) feet from a property line unless approved and written permission is granted by the City Council upon recommendation of the city Planning Commission.
- (B) No oil and gas wells, constructed of tank batteries, booster pumps, compressor stations, or pipelines, shall be permitted in any city park.

- (C) The city council may increase distances if circumstances require.
- (D) No commercial or for hire disposal wells shall be allowed in the city limits.

#### **§113.052 MINIMUM WELL OR HYDROCARBON SITE AND SURFACE WATER PROTECTION**

- (A) Minimum site size is two (2) acres unless otherwise approved by the City Council upon recommendation of the city Planning Commission.
- (B) Each hydrocarbon facility shall have a SPCC plan meeting state (ODEQ/OWRB) and federal EPA (40 CFR Part 112) requirements to protect surface waters (lakes, rivers, creeks, ponds) from pollution.
- (C) Hydrocarbon wells or facilities can only be placed in a less than one hundred (100) year floodplain if state and federal EPA/ACOE/FEMA and Oklahoma DEQ/WRB permits are secured and copies provided to the city floodplain manger with the permit application.

#### **§113.053 LOCATIONS TO BE KEPT CLEAN, FREE OF WEEDS.**

All land located within fifty feet (50') of any oil or gas well, paid, tank battery, booster pump, compressor station or other appurtenances to any such location shall be kept free and clear of weeds, grass, rubbish, debris, paper and/or other combustible material at all times. Sufficient quantities of shale and rock shall be in place to keep down weeds and provide a driving surface that will allow no dirt, mud, shale or rock to be left on public streets.

#### **§113.054 REQUIREMENTS FOR DRILLING OR PRODUCTION**

Any drilling of oil and gas wells or production of wells, and construction and operation of any tank batteries, booster pumps, compressor stations, or pipelines shall meet the following requirements:

- (A) During drilling operations, the engine shall be muffled the maximum amount recommended by the manufacturer of the engine.
- (B) During production, trucks may drain or otherwise service tank batteries only between 8:00 a.m. and 6:00 p.m., except with agreement with the city during completion or testing operation.
- (C) The noise level of the pumping unit is not to exceed seventy (70) dBa at a distance of thirty three feet (33').
- (D) An electrical centrifugal mud pump must be provided at each producing location for the purpose of pumping mud to the mud service trucks, thereby reducing ambient noise levels from vacuum pumps of mud trucks.
- (E) Metal tanks shall be used for the holding of all drilling wastes and fiberglass tanks may be used for holding saltwater.
- (F) Workover operations may be performed only between the hours of 7:00 a.m. and 6:00 p.m., except under emergencies as agreed on with the operators and the city.
- (G) After construction completion, during operations, all pumps will be electrical.
- (H) During normal operations, vibrations from any equipment, measured with all equipment in operation, must be at an acceptable level.

#### **§113.055 ELECTRICAL WIRING TO CONFORM TO CITY STANDARDS.**

All electricity wiring on or about any tank batteries, booster pumps, compressor stations, pipelines, derricks, buildings, structures or tracts of land upon which any well is drilled or put down shall be run in accordance with the ordinances of the city governing electrical wiring installation. All electrical fixtures for lighting or power purposes used shall be of vapor proof design.

#### **§113.0565 ARTIFICIAL LIGHT NEAR TANKS OR WELLS.**

No artificial light, except as approved by the United States Bureau of Mines for use in explosive atmosphere, shall be used within forty (40) feet of the tank, or of any well after such well is completed as a producer of oil or gas.

#### **§113.057 ACCUMULATIONS OF GAS OR VAPORS.**

No gas or gasoline vapor in sufficient quantity to constitute a fire hazard shall be allowed to accumulate within a radius of one hundred feet (100') from any oil and gas well, tank battery, booster pump, compressor station, or aboveground pipeline appurtenance and the determination of such gas or vapor being in sufficient quantity to constitute a fire hazard shall be at the sole discretion of the city.

#### **§113.058 PIPE FITTINGS.**

Each string of casing or pipe within any well (except the outside surface casing) shall have the fitting thereon securely anchored to the casing immediately enclosing it. The provisions of this section in regard to requiring two master gates and the stems and valves used in connection with the master gates shall not apply to wells which are on artificial lift or on pump.

#### **§113.059 DRILLING BELOW 3,000 FEET.**

Drilling below three thousand (3,000) feet shall be done with mud appropriate to prevent flowback or blowout. The hole should be kept full at designated weight at all times until the producing sand is reached. The mud shall be weighted at such intervals as may be determined by the inspector. When withdrawing the drill pipe, pipe shall be filled with mud after each eleven (11) stands have been withdrawn. Drilling the producing oil sand, however, may be done with oil in lieu of mud; provided, however, that if the oil is in circulation such oil shall not be over 30-B gravity with a flash point of not less than three-hundred fifty (350) degrees Fahrenheit and after being so used shall be by the operator turned into a circulating tank instead of into the pits. If, at any time, the weight of such mud shall be less than specified herein, any inspector or officer of the city shall have the right to suspend drilling and all operations in or about such well until the weight of such mud shall comply herewith or the conditions of the oil shall be made to comply with the provisions of this article.

#### **§113.060 CONDUCTOR CASINGS.**

Conductor casing shall be set a minimum of fifty (50) feet or to any greater depth required to penetrate the overlying alluvium, and thirty (30) feet into the red beds. The conductor hole shall be drilled with air or fresh water and native mud. No chemicals or foreign substances are to be added to the drilling fluid and cement shall be circulated to the surface.

#### **§113.061 SURFACE CASING HOLES.**

The surface casing holes shall be drilled with air or fresh water using native mud or near location mud. Chemically inert substances such as bentonite, barite, or lost-circulation material may be added to the fluid system as long as testing of the fresh water filtrate from a solution of the added material remains inert and of a nonpolluting nature.

#### **§113.062 PLACEMENT OF CENTRALIZERS.**

Casing must properly centralized in the borehole to enable a good cement sheath between the casing and well bore.

#### **§113.063 BLOWOUT PREVENTERS AND WELL CONTROL/AUTOMATIC SHUTDOWN DEVICES**

Blowout preventers shall be installed on the appropriate casing prior to drilling below the casing shoe. Preventers shall be tested to assure they are in good working order and drilling or working over the well shall cease if any of the preventers is inoperative. Preventer types and numbers must be determined by the blowout risk factors.

Subsurface safety valves and shutdown devices are preferred but surface valves and shutdown devices can be considered if risk analysis indicates they are appropriate.

#### **§113.064 USE OF SEPARATORS.**

Separators shall be used at each well to adequately care for the output of the well, or both oil and gas without spraying oil through the separator vent lines. No gas shall be produced, wasted or allowed to escape through a separator vent line at any time when the noise caused by such wasting, producing or escaping of gas shall be audible for a distance of three hundred (300) feet or more from the well. When it shall appear that an explosive mixture of gas may be accumulating near the ground, the inspector may require that the well be shut down until the gas is dissipated. All separators shall be vented either separately or through a manifold into a vent. Such vent shall not be less than two feet in diameter. It shall not be closer than sixty-five (65) feet to the well hole, centerline of street or the lease boundary. No separator shall be used which has less than one hundred twenty five (125) pounds working pressure; provided, that all separators on which a pressure of greater than one hundred twenty five (125) pounds per square inch shall be carried shall be tested by the hydrostatic method to at least 1-1/2 times of the working pressure to be carried on such separator.

#### **§113.065 SECURING VENT LINES.**

All vent lines shall be fastened with at least three steel guy lines to each vent, such guy lines to be securely anchored to "deadmen" buried not less than two feet under ground and not less than twenty (20) feet from such vent.

#### **§113.066 IMPROVEMENT OF SITE AFTER DRILLING COMPLETED.**

Upon completion of the well or completion of construction of any location, all contaminated soil shall be physically removed from the area and the area restored to its normal condition insofar as possible. On all locations, all lines, including flow lines, gas lines, water lines and electric lines, shall be buried and maintained at a minimum depth of twenty-four (24) inches. All lines carrying corrosive materials shall be plastic-coated internally and shall be coated externally if required by

soil conditions. The material shall be of sufficient quality to serve the property for the life of the well, tank batteries, booster pumps, compressor stations, or pipelines.

#### **§113.067 OPERATOR TO CERTIFY SETTING OF WELL.**

The operator shall certify by written affidavit that the well has been set according to good engineering practices. Such affidavit shall stipulate the number of sacks of cement, the class of cement, blended materials, weight of cement in pounds per gallon, cement displacement pressure, and final pumping pressure. Certification shall also stipulate whether check valves (float shoes, float collar) held the pressure. Beginning and ending times of the operation shall be stipulated. The form shall be completed by a cementing service company, signed by both the operator and the cementing service operator.

#### **§113.068 EARTHEN PITS AND DIKES.**

- (A) Oil and gas wells may use slush pits constructed to prevent pollution of the surrounding land surfaces. Within six months after any oil and gas well within the limits of the city shall have been completed for production of oil and/or gas, or within six months after the same shall have been completed in cases where the same is abandoned for the reason that a dry hole is found, the slush pit shall have any deleterious substances removed and be filled with dirt and leveled off.
- (B) All earthen pits shall be above the 100-year floodplain or properly diked above the 100-year floodplain with a dike which is sufficient to repel floodwater. Prior to the commencement of any drilling operation, an artificial barrier shall be constructed completely around the well site no closer than fifty (50) feet from the well bore. The top of the artificial portion of the barrier to be constructed down drainage from the well shall be level at all points at a height of no less than two feet above the ground level at the well bore in order that any deleterious matter from the well would be trapped and stored before such matter can enter the drainage off the wellsite. An adequate diversion ditch or dike shall be constructed across and around the uphill edge of the well site so that no surface drainage water can enter the area of the well location.
- (D) Any valve in the barrier shall be kept closed at all times. Any fluid trapped within the well site shall be pumped into steel tanks for storage and removal. The gate in the barrier may be temporarily opened under supervised conditions for rainwater drainage, and then only if it can be demonstrated that such rainwater has not been contaminated with oil, chemicals, salt or any other deleterious substances.
- (E) Reserve pits shall be constructed. As an alternative, drilling mud operations may be conducted in steel tanks and the barrier which shall be removed from the property immediately upon completion of the well.

#### **§113.069 STANDARDS FOR TANKS.**

- (A) The storage of crude oil shall be outside buildings in aboveground tanks. The well bore or tanks must be set no nearer than fifty (50) feet from non fireproof buildings or from outside property lines; provided, however, that an application in writing may be made to the city manager or their designee and, when approved by him and the city council, setting the tanks at a nearer distance may be allowed. Such distance may be increased at the discretion of the city council after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings or adjoining property, and height and character of construction of such buildings, capacity and construction of proposed tanks, and degree of public fire protection in the vicinity.

- (B) All crude oil tanks shall be painted within ninety (90) days after well completion and kept in proper painted condition after installation and have conspicuously upon their sides in red letters at least six inches high the wording "Flammable Keep Away" and "No Smoking." And with any other appropriate warnings, for example "Warning/Dangerous Hydrogen Sulfide".
- (C) Metal or fiberglass tanks shall be so constructed as to have a factor of safety of at least 2.5 for working pressure or dynamic pressure.
- (D) All tanks shall have roofs or tops and the openings of tanks shall be fully protected. They shall be firmly and securely jointed to the tanks and all joints in both sides and top shall be gastight and free from leakage as nearly as possible and lockable.
- (E) Tanks which are more than one foot above ground shall have foundations and supports of noncombustible material and shall not be permitted under or within ten feet of any aboveground outside storage tanks.
- (F) At each well, a total capacity of an aboveground battery of crude oil storage tanks shall be limited to two thousand (2,000) barrels utilizing low-profile tanks and each tank shall have the capacity not to exceed five hundred (500) barrels. An Oil and gas permit is required for a location for tank batteries separate from a well location. The maximum storage allowed will be five thousand (5,000) barrels utilizing low-profile tanks and each tank shall have a capacity not to exceed five hundred (500) barrels.
- (G) All tanks shall be provided with a pressure vacuum vent system sufficient to adequately dispense excess gas from the tanks. Vent openings may be made removable, but shall be kept firmly attached. The covers for manholes, handholes and gauge holes shall be made tight fitting and lockable.

**§113.070 TANK BATTERIES, ETC., TO BE ENCLOSED WITH EARTHEN WALLS.**

Any tank, batteries, separators, heater treaters, etc., shall be enclosed with earthen or other acceptable retaining walls and maintained with a storage capacity of at least 1-1/2 times the liquid capacity of the tanks within the storage.

**§113.071 FENCING OF TANK BATTERIES, BOOSTER PUMPS, PUMP JACKS, ETC.**

Tank batteries, booster pumps, compressor stations, or pipeline aboveground appurtenances, and well heads shall be enclosed in woven wire fence of not less than nine-gauge chain link wire mesh of not more than two inches (2"), at least six feet (6') high and locked gates. Angular extensions outwardly secured by three (3) strands of barbed wire shall be placed on top of the tank fence. Such fence shall be constructed not less than three feet (3') in distance from the outside of the base of embankment. Such fence shall be installed prior to production.

**§113.072 USE OF PORTABLE OIL PUMP.**

Every person operating a portable pumping unit used for the pumping of oil within the corporate limits of the city shall equip same, before the operation for use thereof, on both the service and discharge sides, with steel flexible tubing or pipe composed of some other material that is approved by the city manager or their designee. All pumping units shall be operated by electric motors and have any fencing requirements imposed by the zone in which such pumping unit is located.

**§113.073 APPLICABILITY OF CODE TO GATHERING AND TRANSMISSION PIPELINES.**

Notwithstanding anything to the contrary (including without limitation, references to pipelines in this Code), none of the provisions of this Code except sections shall be applicable to gathering and transmission pipelines (including without limitation, above-ground appurtenances and equipment used in connection therewith) for the gathering or transmission of gas, natural gas liquids or oil. Such gathering and transmission pipelines shall be required to mark the location of any aboveground appurtenances and related equipment with accurate signage reflecting the ownership of the equipment and a contact phone number.

**§113.074 USE OF NONELECTRIC MOTOR-DRIVEN EQUIPMENT AND APPLIANCES.**

The use of nonelectric motor-driven equipment on any oil or gas well is prohibited after drilling operations have been completed and during the production phase of such well. This shall not apply to equipment or appliances used for temporary maintenance such as work over rigs.

**§113.075 SWABBING AND BAILING.**

In swabbing, bailing or purging a well, all deleterious substances removed from the bore hole shall be placed in appropriate tanks and no substances shall be permitted to pollute any surface or subsurface fresh waters.

**§113.076 FRACTURE, ACIDIZING, CEMENTING, TESTING, LOGGING AND OTHER WELL SERVICING.**

In the completion of an oil and gas or injection well, no oil, gas or other deleterious substances or pollutants shall be permitted to pollute any surface or subsurface fresh waters.

**§113.077 FLARING OF GAS.**

All gas produced during initial testing shall either be sold or flared with the flaring procedures being approved by the oil and gas inspector and the fire marshal. Flare equipment should be removed from the well site as soon as practicable.

**§113.078 MOVING OF A DRILLING RIG.**

It shall be unlawful and an offense for any person to move or cause to be moved the drilling rig from a well until written permission to do so is obtained from the oil and gas inspector.

**§113.079 ABANDONMENT OF DRILLING OR PRODUCTION SITE AND RELATED FACILITIES.**

Upon abandoning an operation because of failure of the well or wells to produce oil or gas in paying quantities or the abandonment of pipelines for the gathering or transmission of gas, natural gas liquids or oil, it shall be the duty of every person owning any oil or gas well within the city and the owners of all pipelines for the gathering or transmission of gas, natural gas liquids or oil, and of the officers, agents and employees of such owners, to begin to remove any above ground property owned by them, including but not limited to, all derricks, machinery, concrete foundations, above ground pipelines, meters, and raisers and any and all other objects that interfere with the leveling of such land, and to grade, level and restore such property to the same surface condition as nearly as possible as when the oil or gas well thereon was first commenced.

Such clearing to begin within thirty (30) days from the day of such abandonment and to continue in a workman-like manner, which shall not exceed sixty (60) days. Abandonment of a location terminates the Oil and Gas Permit.

**§113.080 DRIVES AND DRIVEWAYS**

All driveway connections to any asphalt public or private street within the City shall be constructed in such a manner (for example with a concrete apron) as to prevent damage to the public or private street, water or sewer utilities, and shall not interfere with the proper operation of the City's storm drainage system.

**§113.081 HEIGHT RESTRICTIONS OF PERMANENT STRUCTURES AND EQUIPMENT**

Permanent equipment height should be limited to FAA airport height restrictions or as appropriate to surrounding area as recommended by the Planning Commission and approved by the City Council.

**§113.999 VIOLATIONS; PENALTIES.**

Any person violating any of the provisions of this article or causing or permitting the same to be done shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in §10.99. Each day that a violation is permitted to exist shall constitute a separate offense. Further sanctions, as authorized in these regulations may also be pursued.

**SECTION 2.** A definition for Oil and Gas Wells is hereby added to §157.006 DEFINITIONS of the Zoning Code in the Code of Ordinances of the City of Durant to read as follows:

**OIL AND GAS WELLS.** Any hole or holes, bore or bores, to any depth for the purpose of producing and recovering any oil, gas or liquefied petroleum matter or deleterious substances, or for the injection or disposal of any of the foregoing.

**SECTION 3.** The following use is hereby added to the PERMITTED USES table in §157.031 USES PERMITTED IN DISTRICTS of the Zoning Code in the Durant Code of Ordinances:

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other Districts	
	Special Conditions	Parking Spaces Required	A-1	R-1	R-2	R-3	R-4	C-0	C-1	C-2	C-3	CBD	I-1	I-2	H-1	
Oil & Gas Wells or associated facilities	§157.065		R	R	R	R	R	R	R	R	R		R	R	R	

**SECTION 4.** §157.057 DRILLING REGULATIONS of the Zoning Code in the Durant Code of Ordinances is hereby repealed and a new section is added to Chapter 157 ZONING CODE to read as follows:

**§157.057 OIL AND GAS WELLS AND ASSOCIATED FACILITIES**

- (A) Except in use areas designated on the Oil and Gas Zones Map, as prescribed in §113.010 ESTABLISHMENT OF ZONES; BOUNDARIES, for oil and gas activities, it is unlawful to erect, construct or place any rig or drilling apparatus within the boundaries of the city for the purposes of drilling, mining, exploring or producing oil or gas or distillates.
- (B) In lieu of a Conditional Use Permit, an Oil and Gas Permit shall be required as prescribed in CHAPTER 113 OIL AND GAS WELLS AND ASSOCIATED FACILITIES.
- (C) Except when in conflict with CHAPTER 113 OIL AND GAS WELLS AND ASSOCIATED FACILITIES, all other provisions of this code shall apply.

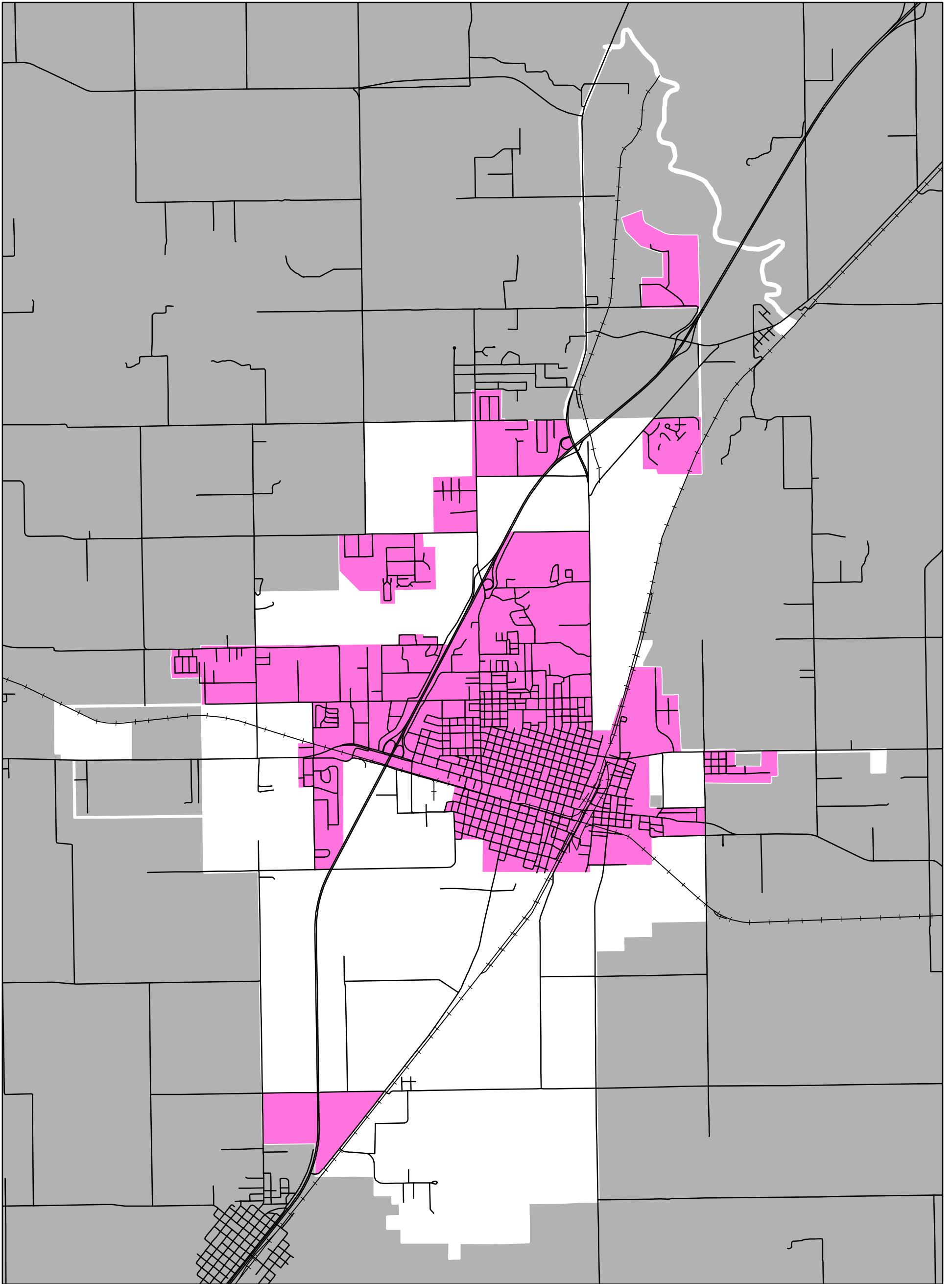
**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separated, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

**PASSED AND APPROVED** by the Mayor and City Council of the City of Durant this 8<sup>th</sup> day of January 2008.




/s/ Jerry L. Tomlinson  
JERRY L. TOMLINSON, MAYOR  
CITY OF DURANT, OKLAHOMA

ATTEST:

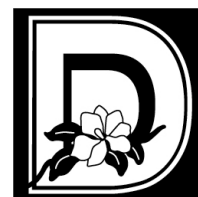
/s/ Leta J. McNatt  
LETA J. MCNATT, CITY CLERK



# Oil and Gas Zone Map

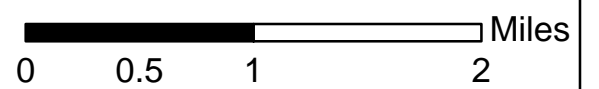
-  Oil and Gas Zone  
(Oil and Gas Activity Permitted)
-  X Zone  
(Oil and Gas Activity Prohibited)
-  Outside City Limits

Zones Current as of  
Resolution #:  
Adopted:



**The City of Durant**  
Community Development

Updated: Jan. 3, 2008



Description of oil & gas permit items	Cost	Annual renewal
Well Construction / Well Drilling Pad conditional use permit (can have multiple wells on one permit, cost is per well on pad/permit). Permit is valid for one year.	\$ 7,500	\$1,000 (one year after building / construction permit issued)
Building/construction permit for above ground equipment installed in pad/well after well completion (wellhead, tanks, separator, compressor, flare, instrumentation, fence, road, storage buildings, emergency shutoff valves, H2S monitors, etc.)	\$2.10 per 1,000 of estimated cost	above
Pipeline / field gathering construction permit (between pad(s) and central processing facility)	\$2.10 per 1,000 of estimated cost	above
Central processing facility construction permit (tanks, separators, flares, controls, fences, lights, roads, storage buildings, storm water retention, monitoring/shutdown equipment, etc)	\$ 7,500	\$1,000 (one year after building / construction permit issued)
Well Construction / Well Drilling Pad conditional use permit transfer to new owner	\$ 7,500	\$1,000 (one year after building / construction permit issued)



# THE CITY OF DURANT

## Office of Community Development

### Explanation of Procedures for CONDITIONAL USE PERMIT

If you desire to make application for a Conditional Use Permit, the procedure is as follows:

1. Check with the Community Development Department to see what your present zoning is in order to determine whether your proposed Conditional Use is allowed in that zoning district. The Community Development Department will be happy to help you with this.
2. The City of Durant's Zoning Ordinance requires Conditional Use Permit applicants to submit with their applications a certified list of the names and addresses of all property owners of record within three hundred (300) feet of their radiuses. This certified list is available from the Bryan County Abstract Company located at 120 North 3<sup>rd</sup> Street for a nominal fee. A map detailing the three hundred (300) foot notice area will be furnished by the Community Development Department to be used to complete the ownership list.
3. The applicant is responsible for providing an accurate legal description of the property for which the Conditional Use Permit is requested. A bonded abstractor or a registered land surveyor can provide this to you.
4. A complete site plan, drawn to scale, showing the location and dimensions of boundary lines with distances and bearings, easements, required yards and setbacks, and all existing and proposed buildings must be submitted with the Conditional Use Permit application.
5. In order to properly evaluate the proposed Conditional Use, the Community Development Director may require the following additional information.
  - Location and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within fifty (50) feet.
  - Preliminary building elevations for all new or renovated structures, indicating height, bulk, and general appearance.
  - Preliminary improvement plans for any alteration of existing watercourses or drainage features, proposed streets and alleys, and the location of the 100-year floodplain.
  - The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs and lighting.
  - The number of existing off-street parking and loading spaces.
  - The relationship of the site and the proposed use to surroundings uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
6. Complete the Conditional Use Permit application, and bring it and the above required material to the Community Development Department at 300 W. Evergreen, located in City Hall. The Community Development Staff will make sure your application is complete, and will calculate the filing fee according to the following schedule.
  - Rezoning: \$210.00 plus cost of publication.

Your application, along with the filing fee, must be filed at the Community Development Department before noon (12:00 p.m.), twenty-five (25) days prior to the next Planning Commission Meeting.

7. After your application and required materials are filed, legal notice of the request will be published in the Durant Daily Democrat, as required by State Law. You are responsible for the cost of publication. Also at this time, every property owner within three hundred (300) feet of the exterior boundaries of your rezoning request will be notified by letter of your request. These owners, and any other citizens, may protest if they so desire. Should the owners of fifty percent (50%) of the land within the notice area protest your request, it will take an affirmative vote of three (3) of the five (5) members of City Council to rezone your property. The owners, and any other citizen may protest if they desire.
8. The Community Development Staff will research and analyze your request and prepare a staff report with recommendations, which will be delivered to each Planning Commission Member.
9. The Zoning Code requires at a minimum, the following seven conditions be considered as a part of the Conditional Use Permit:
  - The use is specifically identified and conforms to conditions listed in the zoning regulations;
  - The proposed use is not injurious to the present use of land nor prevents enjoyment of uses already permitted;
  - The change should not impede normal or orderly development or improvements of surrounding property;
  - Adequate utilities, access roads, drainage and other necessary facilities are provided;
  - Sufficient off-street parking and loading spaces are available;
  - The conditional use does not create a nuisance (odors, fumes, dust, noise and the like) in the area; and
  - If the use requires the applicant to obtain a license or permit from any other regulatory or governmental entity, such permit or license has been obtained.
10. At the next scheduled Planning Commission Meeting (the third Tuesday of each month) your request will be considered at a public hearing. You and/or your representative should be present. Staff will introduce your request, and you and any interested citizens will have the opportunity to speak to the Commission concerning your request.
11. At the conclusion of this public hearing the Planning Commission, by majority vote, will recommend that the Resolution to accomplish your requested Conditional Use Permit either be approved or denied. The Planning Commission may recommend that the City Council establish conditions of approval. Conditions may include requirements for special yards, open spaces, buffers, fences, walls and screenings, requirements for installation and maintenance of landscaping and erosion control measures, requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation, and such other conditions that may be necessary to insure compatibility with surrounding uses, and preservation of the public health, safety and welfare. This recommendation along with your application and Conditional Use Resolution will be transmitted to the City Council.
12. At the following City Council meeting (the second Tuesday of each month), the City Council will vote either to adopt or reject the proposed Conditional Use Resolution. You or your representative should be present. At that time the City Council will have reviewed the Planning Commission minutes and recommendation. If the Resolution is approved by the City Council, it will become effective immediately.

The Planning Commission and City Council Meetings are held in the Roscoe J. Hatfield, Council Chambers, Durant City Hall, 300 West Evergreen St., Durant, Oklahoma. If you have any further questions, please call the Community Development Department at 580-931-6610

# CONDITIONAL USE APPLICATION

Petition # \_\_\_\_\_  
Fee \$ \_\_\_\_\_

## APPLICANT INFORMATION

Name:	Email:	Phone #1
Mailing Address:		Phone #2
City:	State:	Zip:
Applicant's Interest in Property:		Fax #

\_\_\_ Please use attached addendum if there is more than one applicant.

Physical Address of Proposed Conditional Use:		Name of Project:	
___ Platted ___ Un-Platted	Subdivision	Lot	Block
Legal Description: (If Un-platted)			

\_\_\_ Deed Attached (required) If applicant is not owner listed on deed, owner consent must be included.

Existing Zoning:	Proposed Conditional Use:		
Present Use:	Parking Spaces Required:	Parking Spaces Provided:	
Parcel Width:	Parcel Length:	Acres:	Street/Road Frontage:
___ City Water (If City Water will be extended or improvements will be made, please explain:)			
___ City Sewer (If City Sewer will be extended or improvements will be made, please explain:)			
___ Private Water		___ Private Sewer	
Explain in your own words why your property should be rezoned.			

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

### Office Use Only

Date Filed		Date Payment Received		Notification Mailed		Comments
Initial		Initial		Date Initial		
Proof of Publication Received			Property Posting Verified			Comprehensive Plan Recommendations
Date      Initial		Date      Initial				
Staff Recommendation ___ Approve ___ Deny		PC Recommendation ___ Approve ___ Deny		City Council Action ___ Approve ___ Deny		Ordinance #

APPLICATION WILL NOT BE CONSIDERED COMPLETE WITHOUT THE FOLLOWING INFORMATION ADDRESSED:

Please describe the nature and operating characteristics of the proposed use:

---

---

---

---

STATE HOW THE FOLLOWING ISSUES WILL BE ADDRESSED:

1. Parking:

---

---

---

---

2. Screening of offensive areas (trash, loading areas, transformers, utility connections, detention ponds, etc.).

---

---

---

---

3. Traffic Impacts:

---

---

---

---

4. Protection of Neighborhoods:

---

---

---

---

What licenses and permits (if any) are required for this proposed use?

---

---

---

---

Please list or describe any other reasons to support this Conditional Use Permit Application.

---

---

---

---

# Oil and Gas Permit Review and Recommendations

## Request and Background

The petitioner is requesting Conditional Use Permit (CUP) approval to drill a well. The proposed site will be located in the Agriculture "A-1" District and Single-Family Residential "R-1" District located at 206 S. 49<sup>th</sup> Ave., legally described as S36, T6S, R8E (south side of 70 West, 49<sup>th</sup> St. south for 1/10 mi, east ¼ mi.). Well site property is owned by the Tucker family.

## Site Inventory

The site is a 300' rectangle on the north & east side of the ?????? farm. The nearest property line is 400' from the well site. Site was previously used as a pasture.

The surrounding land uses are as follows:

Direction:	Land Use(s) Present Are:	Zoning District Is:	Separated By:
North	Commercial	C2	N/A
South	Agricultural & Residential	A1 & R1	N/A
East	Agricultural & Residential	A1 & R1	N/A
West	Agricultural	A1	N/A

## Planning and Zoning Issues

### **1. The Use Is Specifically Identified and Conforms to Conditions Listed In The Zoning Regulations**

Durant City Ordinance No. 1583 amended the Land Use Table as provided for in §157.031, Uses Permitted in Districts, of the Zoning Code to allow well drilling. A Oil and Gas permit is required in the "A-1" district. The site is also located in the Oil and Gas Zone district on the Oil and Gas Zone Map.

### **2. The Proposed Use Is Not Injurious To The Present Use Of The Land Nor Prevents Enjoyment Of Uses Already Permitted**

The character of this area is agricultural with light commercial and residential uses in the general area to the east and south. It is staff's opinion a well drilling site will not be injurious to the present use of the land nor will it prevent the enjoyment of uses already permitted, since this area is still vacant and undeveloped in nature.

### **3. The Change Should Not Impede Normal Or Orderly Development Or Improvement Of Surrounding Property**

This proposed site is south of US 70 west and east of Cale Switch Rd. The new US 70 bypass will be located just to the west of this site. This area is designated in the Future Land Use Map to be a commercial corridor. It is staff's opinion that the operation of a well drilling site will not impede normal or orderly development or improvement of surrounding properties.

### **4. Adequate Utilities, Access Roads, Drainage And Other Necessary Facilities Are Provided**

No city utilities or streets are to be used at this well site. Access will only be provided from a private drive connecting to an existing private drive connecting to Us 70 west/Main St. where it intersects with north 49<sup>th</sup> Ave. This keeps with the provision in §113.015 (B) recommending access be granted from section line roads. A storm water plan is required and must be implemented prior to the issuance of a drilling permit.

**5. Sufficient off-street parking and loading spaces are available**

Sufficient off street parking will be provided at the site.

**6. The Conditional Use Does Not Create A Nuisance (Odors, Fumes, Dust, Noise And The Like) In The Area**

Staff believes the operation of a drilling site will not create a nuisance since this area is undeveloped, the applicant has submitted an operation and emergency plan manual meeting the safety requirements outlined in Chapter §113.015.

**7. If The Use Requires The Applicant To Obtain A License Or Permit From Any Other Regulatory Or Governmental Entity, Such Permit Or License Has Been Obtained**

Proof of all applicable licenses and permits must be obtained. Afterwards, all applicable licenses and permits must be maintained. Failure to maintain required permits and licenses will result in the recommended revocation of the Oil and Gas Permit.

**Preliminary Findings**

Staff recommends the Planning Commission approve the proposed well drilling site based upon the following findings of fact:

1. The proposed drill site is in general conformance with the Chapter §113.015 of the Durant Code of Ordinances and is located in the Oil and Gas Zone on the Oil and Gas Map. It is specifically identified and conforms to the conditions listed in the zoning regulations.
2. The proposed development is not injurious to the present use of the land nor prevents enjoyment of uses already permitted.
3. The proposed development will not impede normal or orderly development or improvement of surrounding property.
4. Adequate access roads, drainage and other necessary facilities are provided.
5. Sufficient off-street parking will be available.
6. The proposed development will not create a nuisance in the area.
7. Appropriate licenses and permits from any other regulatory or governmental entities will be obtained.

**RESOLUTION NO. 2008-\_\_\_\_\_**

A RESOLUTION AUTHORIZING AN OIL & GAS FOR AN APPROXIMATE 300' X 300' PARCEL  
OF LAND LOCATED AT 206 South 49<sup>th</sup> Ave.:  
S36, T6S, R8E (south side of 70 West, 49th St. south for 1/10 mi, east ¼ mi.).  
Well site property is owned by the ?????? family.

---

WHEREAS, a Public Hearing was held before the Durant Planning Commission regarding the proposed Oil & Gas Permit contained in this Resolution; and

WHEREAS, the Durant Planning Commission has determined that the proposed use satisfies the criteria for oil and gas activity as set forth in the Zoning Code of the City of Durant if developed to the conditions contained in this Resolution; and

WHEREAS, the Durant Planning Commission has determined that the proposed use also satisfies the criteria established in Chapter 113, Oil & Gas Wells and Associated Facilities of the Durant Code of Ordinances; and

WHEREAS, the Durant Planning Commission has determined that there is a reasonable and proportionate connection between the conditions contained in the Resolution and the findings of fact contained in the staff report on Case Number 2008-08; and

WHEREAS, the Durant Planning Commission has recommended approval of the conditions contained in the Resolution; and

WHEREAS, the City Council has reviewed the recommendation of the Durant Planning Commission and has determined that the Oil & Gas Permit is appropriate.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Durant, Oklahoma as follows:

Section 1: A Oil & Gas Permit is granted subject to all rules and regulations and to conditions set forth for the property described as follows:

- I. PERMITTED AND CONDITIONAL USES
  - a. Oil and gas well drilling
- II. PLAN SUBMITTAL REQUIREMENTS
  - a. Prior to issuance of any building permit, the petitioner shall submit to the Community Development Department for review and approval the final plans required by Chapter 113, Oil & Gas Wells and Associated Facilities.
- III. SPECIFIC DEVELOPMENT REQUIREMENTS
  - a. Structure Setbacks – All structures and drilling activity shall occur at least 300' from nearest inhabited dwelling
  - b. Parking Standards – All applicable parking standards as established in Chapter 113 of the Durant Code of Ordinances shall apply.
  - c. Access/Circulation – Site will only be accessed from the point in which North 49<sup>th</sup> Ave intersects with US 70 West/W Main St. A concrete apron shall be constructed where the private drive connects to US 70 West/ W. Main St.
  - d. Lighting Requirements – All applicable lighting regulations established in Chapter 113 of the Durant Code of Ordinances shall apply.

- e. Sign Requirements – All applicable sign regulations not in conflict with Chapter 113 of the Durant Code of Ordinances shall apply.
- f. Stormwater and Sanitary Sewers
  - i. Adequate provisions shall be made for the disposal of stormwater with the specifications and standards of the City of Durant as provided in Chapter 151, Flood Hazard Prevention.
  - ii. Sanitary sewer facilities: not applicable
- g. Landscaping/Screening – All applicable landscaping and residential protection standards not in conflict with Chapter 113 of the Durant Code of Ordinances will be enforced.
- h. Other criteria set in the Zoning Code and Chapter 113 of the Durant Code of Ordinances.

IV. EXTERIOR STORAGE OF MATERIAL: All materials must be stored on approved well-site

V. MISCELLANEOUS

- a. The parking of vehicles unrelated to the permitted uses on the site shall be prohibited.
- b. The storage of flammable and/or hazardous materials or chemicals will require the approval of the Fire Marshall. A letter of approval shall be provided to the Community Development Department.
- c. All applicable licenses and permits from other governmental and regulatory agencies must be obtained and kept current.

VI. LIMITATIONS

- a. The continuation of the use permitted by the resolution shall be dependent upon the conditions established under the permit and this section. In the event of a change of conditions or noncompliance with conditions, the City Council shall have the authority to revoke the Oil & Gas Permit after affording the owner/operator the right to be heard.
- b. In the event of a disagreement between any owner/operator and the Director of Community Development as to whether the use of the site meets the criteria or conditions set forth in the resolution, such disagreement shall be submitted to the Planning Commission for recommendation to the City Council, which shall make the decision on such disagreement, provided the owner/operator shall have the right to appeal such decision pursuant to Chapter 158 of the City of Durant Code of Ordinances and to pursuant to any other available legal or equitable remedy.

Section 2: This Resolution shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** this 10th day of June, 2008, by the Mayor and City Council of the City of Durant.

---

Jerry L. Tomlinson, Mayor  
City of Durant, Oklahoma

ATTEST:

---

Leta J. McNatt, City Clerk