



Chapter 3: Operational Rules, Drilling Rules

Section 47. Surface Setbacks.

(a) A well, as measured to the center of the wellhead, and Production Facilities, as measured to the nearest edge, corner or perimeter, shall be located no closer than five hundred feet (500') to an existing Occupied Structure(s) as measured from the closest exterior wall or corner of the Occupied Structure(s). It is preferable that Production Facilities are located at a greater distance from Occupied Structure(s) where technically feasible.

(b) The Supervisor may approve a variance to decrease the setback requirements if:

(i) The owner(s) of an Occupied Structure(s), as identified on county assessor tax records, waives this requirement, in writing, on a form approved by the Commission.

(ii) Good cause is shown. If for any reason the Supervisor shall grant or deny a variance, the owner(s) of an Occupied Structure(s) or the Owner or Operator may request the Commission, after notice and hearing, consider the variance.

(c) The Supervisor may approve a variance to increase the setback requirements for good cause. If, for any reason, the Supervisor shall grant a variance, the Owner or Operator may request the Commission, after notice and hearing, consider the variance.

(d) If a well is not spud, a variance granted by the Supervisor or the Commission under subsection (b) or (c) shall expire one (1) year from the date the variance is granted.

(e) Where a Well(s), as measured to the center of the wellhead, or Production Facilities, as measured to the nearest edge, corner or perimeter, are proposed for location within one thousand feet (1,000') of an existing Occupied Structure(s), as measured from the closest exterior wall or corner of an Occupied Structure(s), the Owner or Operator shall:

(i) Inform the owner(s) of an Occupied Structure(s), as identified on county assessor tax records, no more than one hundred and eighty (180) days nor less than thirty (30) days prior to the construction of a drilling pad or site for Production Facilities, in writing, of:

(A) The Owner or Operator name and contact information;

(B) Its plan to drill a new Well(s) and the estimated construction, drilling and completion timeline;

(C) The legal location of the Well(s), including Quarter-Quarter, Section, Township, Range, County;

(D) The name and API Number of the new Well(s); and

(E) A description of the best management practices and site specific measures the Owner or Operator plans to undertake to mitigate reasonably foreseeable impacts to the owner(s) of Occupied Structure(s). At a minimum, the Owner or Operator shall consider noise, light, dust, orientation of the drilling pad, and traffic in developing its plans.

(ii) Provide for the Supervisor's review and consideration, fifteen (15) days prior to construction of a drilling pad or site for Production Facilities, a report which details the actions taken by the Owner or Operator to communicate with the owner(s) of an Occupied Structure(s) in accordance with subsection (e)(i) and any comments received from the owners(s) of an Occupied Structure(s) regarding the best management practices and mitigation measure to be undertaken at the location. The report shall include the best management practices and site specific measures the Owner or Operator will undertake to mitigate foreseeable impacts. Nothing in this subsection is intended, and shall not be construed, to compel or to preclude the Supervisor from requiring other site specific measures to mitigate foreseeable impacts. The Supervisor may waive this requirement for an Owner or Operator if the owner(s) of all Occupied Structure(s) within this zone waive this requirement, in writing, on a form approved by the Commission.

(f) The Owner or Operator, in consultation with the Supervisor, shall schedule meetings to facilitate necessary information sharing with owners of Occupied Structures in an area in which an Owner or Operator has an approved Application for Permit to Drill or Deepen a Well (Form 1) located within one thousand feet (1,000') of an existing Occupied Structure(s), as measured from the closest exterior wall or corner of the Occupied Structure(s) to the center of the wellhead or nearest edge, corner or perimeter of Production Facilities within the existing corporate limits of an incorporated municipality or within the boundary of an existing platted subdivision established in compliance with all applicable state and county laws and regulations. The Owner or Operator shall notify the appropriate county commission, by and through the county clerk's office, of any meetings scheduled pursuant to this subsection. The Supervisor may waive this requirement for an Owner or Operator if the owner(s) of all Occupied Structures within this zone waive this requirement, in writing, on a form approved by the Commission.

(g) If additional development requiring an Application for Permit to Drill or Deepen a Well (Form 1) occurs at an existing well location, an Owner or Operator shall be required to comply with all provisions of Chapter 3, Section 47. Surface Setbacks. (e).