

DRAFT
Amendments to the Westmoreland County
Zoning Ordinance
Regarding Oil and Gas Drilling and Resource Extraction

Recommended by the Planning Commission
December 5, 2016

Introduction

Draft concepts for amendments to the Comprehensive Plan and Zoning Ordinance to address resource extraction activities, particularly oil and gas extraction and hydraulic fracturing, were held for public hearing by the Planning Commission on April 4 and June 6, 2016. A June 15, 2016, draft was then prepared and a public hearing was held on it on December 5, 2016. After the hearing, the Planning Commission moved 4-0 (one member absent) to recommend that the Board of Supervisors consider for approval Alternative 1, as given below.

- Alternative 1: Amend the zoning ordinance to limit the location of drilling activities and to provide clearer standards for protection from potential negative impacts if such drilling activities do occur. Such provisions could include the creation of a new zoning district for resource extraction activities that would give the County greater legislative authority over approvals of drilling activities, while still allowing the County to approve a proposed drilling project if the location and attributes of the project meet the standards.

This document also includes the text of Alternative 2, beginning on page 17. Alternative 2 is not recommended by the Planning Commission.

- Alternative 2: Prohibit such activity in the County by removing such uses from the list of permitted (“by-right”) or permissible uses (by special exception) for the four zoning districts that currently allow them by special exception.

Draft amendments to the Westmoreland County Zoning Ordinance

**Alternative 1 – New Zoning District for Resource Extraction with a
Special Exception for Resource Extractive Projects**

Amendments to Article 1, as follows:

In Section 1-4.1.2 New Base Zoning Districts:

Add the following text after 1-4.1.2(L) RU, Residential Urban District:

1-4.1.2(M) RE-PD, Resource Extraction – Planned Development District

Amendments to Article 2, as follows:

1.

In Section 2-1.3 Permissible Use (by special exception)

a) Delete the following text:

31. Oil and Gas Wells, Drilling

b) Renumber the following permissible uses as necessary

2.

In Section 2-13.3 Permissible Use (by special exception)

a) Delete the following text:

47. Oil and Gas Wells, Drilling

b) Renumber the following permissible uses as necessary

a) Delete the following text:

56. Sand and Gravel Pits

b) Renumber the following permissible uses as necessary

a) Delete the following text:

61. Stone Works

b) Renumber the following permissible uses as necessary

3.

In Section 2-21.3 Permissible Use (by special exception)

a) Delete the following text:

19. Oil and Gas Wells, Drilling

b) Renumber the following permissible uses as necessary

4.

In Section 2-22.3 Permissible Use (by special exception)

a) Delete the following text:

19. Oil and Gas Wells, Drilling

b) Renumber the following permissible uses as necessary

5.

a) Delete each of the following:

Stone and monument works in 2-1.3, 2-9.3, and 2-10.2

Sand and gravel pits in 2-14.3 and 2-23.3

Sand and gravel extraction in 2-9.3

Sand and gravel processing facility in 2-9.3

Stone Works in 2-14.3 and 2-23.2

b) And renumber each section as necessary.

6.

After Section 2-25, add a new Section 2-26 Resource Extraction – Planned Development District (RE-PD) as follows:

2-26. Resource Extraction – Planned Development District (RE-PD)

2-26.1 Purpose and Intent

The purpose of this district is to maintain Westmoreland County's residential areas and predominately rural character, to protect critical resources, and to preserve productive farm and timberland while accommodating, where suitable and appropriate, oil and gas extraction and other resource extraction and providing for the future use of properties after the extractive uses are finished.

It does this by protecting critical resources, controlling noise, light, traffic congestion, and other impacts to the community, ensuring public safety, maintaining adequate separation between residential uses and resource extractive activities, providing for adequate public facilities, and advancing the long term viability of the area and other community goals.

The critical resources identified to be protected include: groundwater and surface water (quality and quantity), agricultural and forest land, historic and scenic resources, and rural character. These resources are critical based on the values of the community and their important role in the economic base of the county for agriculture, tourism, forestry, and seafood.

The intent of this district is to advance the county's goals and policies as contained in the Westmoreland County Comprehensive Plan, and to protect the health, safety and welfare of county's residents and visitors. It is the intent of this district and regulations to address local zoning and planning issues related to oil and gas

production and other resource extraction activities and to work in harmony with Commonwealth statutes and regulations relating to those activities.

This district is designed with due consideration of the purposes of zoning ordinances as provided in § 15.2-2283 and other relevant provisions of the Code of Virginia to meet the district's intent. The zoning district requirements seek to balance all community needs; values; and concerns, including the private property interests of all property owners; environmental protection; economic development goals; local government finances; public safety, including long-term public health; and to consider all federal, state, and local regulatory requirements. These purposes can be achieved by establishing a clear process and criteria for considering approval of oil and gas drilling activities and other resource extractive activities, as well as standards for location, site development, and the mitigation of impacts, to ensure the long-term public health and safety in Westmoreland County.

2-26.2 Permitted Uses (by-right)

1. Accessory Uses
2. Accessory Structures
3. Agriculture, General
4. Dwellings, Caretaker's
5. Home Occupations, Minor
6. Nurseries, production
7. Sawmills, temporary or portable
8. Signs, subject to Article 7
9. Wayside Stands

2-26.3 Permissible Uses (by Special Exception)

1. Airport, Private
2. Biosolids Composting
3. Farm Brewery
4. Farm Enterprise
5. Fire, Police or rescue stations
6. Golf Courses
7. Golf Driving Ranges
8. Home Occupation, Major
9. Nurseries, retail (including Florists)
10. Oil and Gas Drilling
11. Public utility trunk lines and system components (electrical and gas)
12. Stone Works
13. Telecommunications towers, attached
14. Telecommunications towers, free-standing, subject to Article 4
15. Water-related Structures (jetties, seawalls, piers etc.), subject to Article 4
16. Wineries

2-26.4 Rezoning requirements for a Resource Extraction – Planned Development District

Article 10 of this Ordinance sets forth the process to be followed when the zoning district classification of a property or a group of properties is changed. That procedure is to be followed when the zoning district classification of a property or a group of properties is to be changed to Resource Extraction – Planned Development District. This section sets forth additional standards, requirements, and considerations to supplement the requirements of Article 10.

Resource extractive activities are an intensive land use and their development includes many complicated and often inter-relating issues. Applicants for a change in zoning district classification are hereby strongly encouraged to consider a conditional change in zoning district classification. Conditional zoning, however, allows the applicant more flexibility in addressing impacts from the development that could follow from the rezoning. Applicants for a change in zoning district classification are hereby also strongly encouraged to consider applying for a special exception for the intended use at the same time that they apply for the change in zoning district classification. This will provide the maximum information possible to accurately identify impacts and provides flexibility and opportunities for the applicant to address such impacts.

2-24.4.1 Pre-application meetings. After the pre-application conference required in Article 10, applicant shall hold an informational meeting for the public on the rezone proposal prior to application to the county. The meeting shall be advertised by publishing notice of the meeting as required by § 15.2-2204 of the Code of Virginia.

2-24.4.2 Required Submittals. In addition to the submittals required pursuant to Article 10 of this Ordinance, no application for a change in zoning district classification to RE-PD shall be deemed to be complete until the Zoning Administrator finds that each of the items described below are included and complete.

1. Narrative. The application shall include a written narrative which describes:
 - a. The general nature of the proposed development and the types of uses anticipated;
 - b. The existing conditions and development of the subject property; and
 - c. The nature and extent of the proposed development including, but not limited to all structures to be constructed during the initial development, the quantity and types of roads to be developed, the quantity and types of water, sewer, power, and telecommunications infrastructure to be developed.

d. The nature and extent of the mineral resources available on the property.

2. Environmental Assessment.

a. The application shall include an environmental assessment which describes: (i) the existence and extent of the following resources on or near the subject property; (ii) the extent and probability to which the ultimate development might impact and will impact these resources; and (iii) measures to be undertaken to minimize and/or avoid such impacts:

- (a) historic and archaeological resources
- (b) threatened and endangered species
- (c) wetlands
- (d) wildlife habitat
- (e) air quality
- (f) surface water quality and quantity
- (g) prime agricultural land
- (h) groundwater quality and quantity
- (i) marine resources
- (j) all other relevant environmental resources

b. If an Environmental Impact Assessment and an Operations Plan has been prepared in accord with the Virginia Department of Mines, Minerals, and Energy application for to drill for oil and/or gas, then those documents can be provided to fulfill the relevant portions of the environmental assessment required by this section.

4. Public Impacts. The application shall also identify the impacts of the proposed development, including the benefits to accrue to the public and the impacts to the public, public services, and public resources, and the proposed means of mitigating those impacts.

a. Economic Development. The application shall describe to what extent the proposed development will further the purposes of the County's Overall Economic Development Program, including expanded employment opportunities and an expanded and diversified economic base, changes in the demand for housing and other services.

b. Water and Sewer Infrastructure. The application shall describe the means of providing water and disposing of waste water. When the public provision of water and sewer will be required, the application shall indicate whether the existing infrastructure and capacity is adequate for the proposed development.

- c. Other Public Utilities. The application shall identify those public utilities which are available and which are needed for the proposed development. The application should indicate whether or not there currently exist the capacity to serve the proposed development.
 - d. Transportation. The application shall describe and identify the impacts to the existing transportation system and specify how those impacts will be mitigated.
 - e. Emergency Services. The application shall describe and identify the impacts to the existing emergency services system. The application shall also include information regarding the types of emergency services that might be needed at the site or related to its operations.
 - f. Impacts to the public and community. The application shall describe and identify the possible impacts from noise, light or glare, toxic or hazardous substances, dust, vibration, safety concerns and any other impacts to the surrounding environment and specify how those impacts will be mitigated.
5. Additional Information. The application shall also include the following information.
- a. Ownership. The application shall identify each individual, firm, and/or corporation which has any interest in the title to the subject property(s). Copies of the deed shall also be included. When any corporation has any interest in the title, all officers of the corporation and all shareholders with a greater than ten percent (10%) interest in the corporation shall also be identified.
 - b. Operations plan. The application shall describe the institutional framework which is intended to assure the maintenance and operation of the facilities and ultimate closure of the operation and restoration of the site.
 - c. Conceptual site plan. The application shall include a conceptual site plan showing the area and nature of development expected within the rezone area. This would consist of maps and narratives. These documents shall show areas of clearing and grading, boundaries and dimensions of drill pad sites (with specific edges defined), surface mining areas, the nature and location of any structures, secondary waste containment systems for storage and disposal, site access and circulation, buffers, stormwater management and sediment and erosion control measures, storage, sorting or processing areas, parking areas and methods to ensure conformance with provisions of the Chesapeake Bay Preservation Overlay District, and other pertinent features of

possible or proposed development, as well as the basic information required for any rezoning application, including property boundaries, topography, and existing site features. The plan shall include the area and limits of any horizontal drilling.

- d. A site closure plan. This narrative and conceptual site plan shall be prepared showing how the disturbed area of the site will be restored and identifying the costs, methods and timing of such restoration.
- e. Nearby Properties. The application shall include a map which identifies each property which is located in part, or in whole, within one thousand (1000) feet of any property boundary line of the subject property.

2-26.4.3 Public Review Process. Once the Zoning Administrator finds that the application is complete as described section 2-24.3.1 above, the application will be advertised as required, scheduled for public hearing and reviewed and acted upon in accordance with Article 10 of this Ordinance. Provided, however, that in addition to the public notice requirements in Article 10, the Zoning Administrator shall provide a notice of the public hearings to the applicant, and the applicant shall be responsible for sending, by certified mail with return receipt, this notice to each of these property owners identified in 2-26.3.2(e). Such notice shall be postmarked no more than twenty eight (28) days nor less than twenty one (21) days prior to the date of the first scheduled public hearing. Proof of the mailing of these notices and proof of receipt shall be submitted to the Zoning Administrator at least one business day prior to the first public hearing.

2-26.4.4 Criteria for approving the request. In addition to the rezone criteria contained in Article 10 of this Ordinance, the following specific criteria shall be met by the proposal in order to grant the rezone or conditional rezone.

- 1. Minimum size. The area proposed for rezoning shall be a minimum of 40 acres in size or contiguous to an area already zoned RE-PD. *[Draft note: 40 acres is the minimum area that would cover a radius of 750 feet which is the area in which the state requires damaged water supplies to be replaced. Minimum district area should be contiguous and large enough to ensure the potential to create a compatible development and operations. This could be in the range of 10 to 40 acres minimum for both the district and a particular lot or drill site, depending on the depth of the wells and the extent of any horizontal drilling. The actual area needed beyond the district minimum would be determined during the application review due to the site-specific variables of well depths and extensions. See the size concept illustration at the end of this draft.]*

2. Required setbacks. There shall be usable operation sites as identified in the application where the resources can be extracted, which meet the setback requirements established in section 2-26.6 of this ordinance.
3. Location of resources. The location of new RE-PD Districts shall be in areas shown in the comprehensive plan as being potentially appropriate for such extraction activities. For resources such as sand and gravel where the comprehensive plan does not identify areas, the majority of the area proposed for rezoning should be located where the resources to be extracted are shown to be located. *[Drafters' Note: the draft comp plan maps show suitable areas based on leased land with setbacks from various resources. Is this the preferred basis to show "maximum" suitable area?]*

2-26.5 Special Exception permit requirements for oil and gas well drilling.

Article 10 of this Ordinance sets forth the provisions for a special exception request and review. In addition to those requirements, this section sets forth additional standards, requirements, and considerations to supplement those in Article 10.

2-26.5.1 Required Submittals. In addition to the submittals required pursuant to Article 10 of this Ordinance, no application for a special exception for gas and oil drilling shall be deemed to be complete until the Zoning Administrator finds that each of the items described below are included and complete. If the applicant has applied for a combined rezone and special exception review, the information and documents for the two permit applications can be combined, but shall cover all the requirements for each application. Applications for special exception and to rezone may be submitted and reviewed concurrently; however, special exception cannot be approved until after a rezoning is approved.

1. Narrative. The application shall include a written narrative which describes:
 - a. The general nature of the proposed development;
 - b. The existing conditions and development of the subject property;
 - c. The nature and extent of the proposed development including, but not limited to all structures to be constructed during the initial development, the quantity and types of roads to be developed, the quantity and types of water, sewer, power, and telecommunications infrastructure to be developed.
2. Environmental Assessment.

An Environmental Impact Assessment and an Operations Plan prepared in accord with the Virginia Department of Mines, Minerals, and Energy application for to drill for oil and/or gas, will be submitted with the application.

4. Public Impacts. The application shall provide the information required in sub-section 2-24.4.2 4 a. through f.
5. Additional Information. The application shall also include the following information.
 - a. Ownership. The application shall identify each individual, firm, and/or corporation which has any interest in the title to the subject property(s). Copies of the deed shall also be included. When any corporation has any interest in the title, all officers of the corporation and all shareholders with a greater than ten percent (10%) interest in the corporation shall also be identified.
 - b. Operations plan. The Operations Plan shall include identification of water supply sources, amount of water to be extracted and/or used, and any on-site or off-site storage or discharge of water, waste, wastewater, chemicals or other materials, and any necessary mitigation provisions for impacts on groundwater quantity or quality on or adjacent to the site. It shall also include a Baseline Environmental Assessment (conducted not more than 12 months prior to commencement of drilling operations) that documents existing environmental conditions within 750 feet of the edge of the proposed drilling site, a Groundwater Baseline Test Report (on-site and adjacent properties) documenting existing surface water quality and the yield and quantity of groundwater wells within 750 feet of the proposed drilling site.

The Operations Plan shall also include an Infrastructure Impact Report, Water Use Plan, a plan for secondary waste containment systems, a plan for storage, transport and disposal of all waste generated by or during operations, and a plan for hours of operation, noise attenuation, air quality and dust control, lighting and glare control, and other site development features that may have impacts.
 - c. Conceptual site plan. The application shall include a conceptual site plan showing the area and nature of development expected within the rezone area. This would consist of maps and narratives. These documents would show areas of clearing and grading, drill pad sites (with specific edges defined), surface mining areas, the nature and location of any structures, secondary waste containment systems for storage and disposal, site access and circulation, buffers, stormwater

management and sediment and erosion control measures, storage, sorting or processing areas, parking areas and methods to ensure conformance with provisions of the Chesapeake Bay Preservation Overlay District, and other pertinent features of possible or proposed development, as well as the basic information required for any special exception application, including property boundaries, adjacent owners, topography, etc. The plan shall include the area and limits of any horizontal drilling.

d. Site closure plan. This narrative and conceptual site plan shall be prepared showing how the disturbed area of the site will be restored and identifying the costs of such restoration and appropriate amount for a performance bond. This would include a decommissioning plan for reclamation and a reuse plan. The plan will include requirements to prepare a post-drilling environmental data report six months after drilling has been completed, using the same procedure as the baseline environmental assessment. Within 12 months of the date of termination, the owner and/or operator shall physically remove the operation, and demonstrate reclamation and any reuse in accordance with the post-operations plan. The plan will include provisions for a final report on groundwater quality and for continued groundwater monitoring water quality has been impacted by the operation.

e. Emergency Plan. This plan shall identify possible hazards associated with the oil and gas drilling, shall provide responses to those hazards, and shall be prepared in coordinated with Westmoreland County public safety officials, and officials from DMME and DEQ (Virginia Department of Environmental Quality).

f. Financial assurance mechanisms. An explanation shall be provided detailing own operational, environmental and other commitments proposed in the applicant shall be met by the applicant.

2-26.5.2 Public Review Process. Once the Zoning Administrator finds that the application is complete as described section 2-26.4.1 above, the application will be advertised as required, scheduled for public hearing and reviewed and acted upon in accordance with Article 10 of this Ordinance.

2-26.5.3 Required criteria for approving the special exception request. The following criteria shall be met in order to approve a special exception permit for oil and gas drilling.

1. Required setbacks. There shall be usable operation sites as identified in the application where the resources can be extracted, which meet the setback requirements established in section 2-26.6 of this ordinance.

2. Limit of horizontal drilling. All drilling proposed, including any horizontal drilling, shall be within the designated RE district as determined by the location vertically above the borehole on the ground's surface.

2-26.5.4 Required conditions to be included in a special exception approval. The following conditions shall be included in any approval of a special exception permit for oil and gas drilling.

1. Requirement to notify the county Zoning Administrator when operations are terminated with the intent to close the well.
2. Requirement to provide liability bonding and to post bonding or other performance guarantees to the county to ensure that the above development, operational, and post-operational plans can be successfully implemented or terminated, regardless of the financial condition of the owner/operator.
3. Requirement to review the emergency plan with county public safety officials at the beginning of operations and at least once every three years.
4. Requirement that, in order to expand horizontal drilling to additional areas not shown on the approved conceptual plan that are also within the RE designation, this SE must be amended accordingly.
5. Requirement to use secondary waste containment systems for storage and disposal of all waste water and process water and disposal of such water offsite.

2-26.6 Development Standards for oil and gas well drilling.

Oil and gas well drilling shall comply with all other requirements of this ordinance as well as the requirements of any other relevant ordinances, laws, and regulations. In addition to such other requirements, the Oil and Gas well drilling shall comply with all of the standards and requirements contained in this section.

1. Minimum Property Size. The minimum size of the property shall be 40.57 acres [*Drafters' Note: the 40+ acre size is explained in the figure "Illustration of the relation of lot/district size and setbacks" and the related discussion of setbacks in the subsection below.*]
2. Required Setbacks. There shall be a setbacks between the gas and oil well drilling operation and facilities and designated Resource Protection Areas (RPA), wetlands, existing structures, public and private wellheads, and other public infrastructure as set forth below. When directional or horizontal drilling is used, setbacks shall be measured horizontally from the area vertically above the borehole on the ground's surface. Consideration and integration of comprehensive setback buffers – ranging from 500 feet to 0.62 miles (equal to 1 kilometer) – predicated upon RPA wetlands, structures, wellheads, and public infrastructure considerations Setbacks could range from 1,000 feet to 3,300 feet for various critical resources such as public water sources.

3. Impervious Cover and Stormwater Management. The proposed project shall comply with the impervious cover restrictions and the stormwater management and water quality and quantity standards contained in Article 3 Overlay District Regulations in the Zoning Ordinance, Chapter 54 Erosion and Sediment Control provisions in the Westmoreland County Code, and the Commonwealth of Virginia Stormwater Management Act.
 4. Fire Protection. Fire protection measures identified in the emergency plan shall be installed prior to the initiation of drilling, or as otherwise specifically provided for in the emergency plan.
 5. Installation and Bonding. The installation and bonding requirements established in the special exception permit shall include water infrastructure, sewer infrastructure, road construction, landscaping, project closure, and site restoration.
 6. Roads. All internal roads shall be built to the standards specified in the special exception permit and shall be removed within a year of the notice of termination of the well operation, unless otherwise provide for in the special exception permit. The owners of property adjacent to such roads shall be completely responsible for all maintenance until such roads are removed and the site restored or converted to a different approved development.
- 2-26.7 Performance Standards. The performance standards set forth in the remainder of this section apply to all resource extractive land and uses within RE-PD zoning district. Any violation of any of these performance standards is prohibited. Any violation of any of these performance standards shall constitute a violation of this Ordinance.
1. *Noise*. At no point on the boundary line of an individual lot or parcel or beyond shall sound pressure level resulting or emitting from any use, operation, or activity on any lot or parcel exceed the maximum sound levels during daylight hours, nor exceed the maximum permitted sound level minus 10dB during non-daytime hours.

Octave Band in Cycles per Second	Maximum Permitted Sound Level in Decibels
0 to 75	72
76 to 150	67
151 to 300	61
301 to 600	56
601 to 1200	50
1201 to 2400	45
2401 to 4800	41
above 4800	38

2. *Vibration.* At no point on the boundary line of an individual lot or parcel or beyond, shall the earthborn vibration resulting from any use, operation, or activity on the subject lot or parcel exceed the maximum displacement levels during daytime hours, nor exceed 2 of the maximum displacement levels during non-daytime hours.

Frequency in Cycles per Second	Maximum Displacement Level in Inches	
	<i>Steady State</i>	<i>Impact</i>
Under 10	.0055	.0010
10 to 19	.0044	.0008
20 to 19	.0033	.0006
30 to 39	.0002	.0004
40 and over	.0001	.0002

3. *Air Pollution.* No use, operation, nor activity which results in visible air emissions at ground level at or beyond the property boundary shall be permitted.

4. *Odor.* At no point at or beyond the boundary line of the lot or parcel on which the activity is being conducted shall the emission of odors resulting from any use, operation, or activity be detectable when diluted in the ratio of one volume of odorous air to eight volumes of clean air.
5. *Glare.* At no point at or beyond the boundary line of the lot or parcel on which the activity is being conducted shall glare nor light pollution resulting from any use, operation or activity exceed 50 foot lamberts during daylight hours, nor exceed 20 foot lamberts during non-daylight hours.
6. *Electrical Interference.* At no point at or beyond the boundary line of the lot or parcel on which the activity is being conducted shall the interference with normal radio and television reception resulting in whole or in part from any use, operation or activity be permitted.
7. *Enclosure or Buffering of Uses.* All resource extractive use, activity, storage, and operation shall be screened by solid fencing or by an adequate vegetated buffer from any public road, from anywhere outside of the development area identified by the special exception permit, or as otherwise provided in the special exception permit.
8. *Height restrictions.* Height restrictions for resource extraction related structures shall be as provided in the special exception permit.

2-26.8 Lot and Yard Regulations

Use/Lot	Minimum		Lot Coverage	Setbacks		
	Lot Size	Lot Frontage (at front setback)		Minimum Front (ft.)	Side (ft.)	Rear (ft.)
Resource Extraction	10 acres	Note 1	Note 1	Note 1	Note 1	Note 1
Accessory Structures	n/a	n/a		125 ft.	15 ft.	40 ft.
Other Permitted Uses	5 acre	150 ft.		50 ft.	40 ft.	40 ft.

Note 1: As provided in the Special Exception Permit.

2-26.9 Building Regulations

2-26.9.1 Maximum Building Height

Thirty-five (35) feet, except for agricultural structures and oil/gas extraction structures which are subject to special exception conditions. Also see height exceptions in Article 1.

2-26.9.2 Utility Requirements

For resource extraction activities, provisions for water and wastewater shall be as provided in the special exception permit. For other uses, water and wastewater shall be provided in accord with County and State regulations, and as set forth in Article 4.

2-26.9.3 Access Requirements

For resource extraction activities, provisions for access shall be as provided in the special exception permit. For other uses, access shall be provided to a state road and shall be as approved in Article 9, when applicable.

Amendment to Article 12, Definitions, as follows:

1.

a) Replace the following definition in Article 12:

Oil and Gas Well Drilling: Boring or drilling a hole in the earth for the purpose of finding and mining oil or natural gas resources.

b) With the following definition:

Oil and Gas Well Drilling: Boring or drilling into the earth for the purpose of finding or extracting oil or natural gas resources, the extraction of those resources, and all related activities and development. This includes, but is not limited to, the drilling and facility location; facilities, operations, and any on-site processing or storage; transportation; and the closure and restoration of the site. This activity is not considered or allowed as a temporary use, even though the use is expected to be terminated at some point; and it is not considered as part of a public utility or public utility facility, even if owned, operated, and/or connected to a public utility.

2.

Insert in Article 12 after the definition of *Home Professional Office* a definition for *Horizontal Drilling, as follows:*

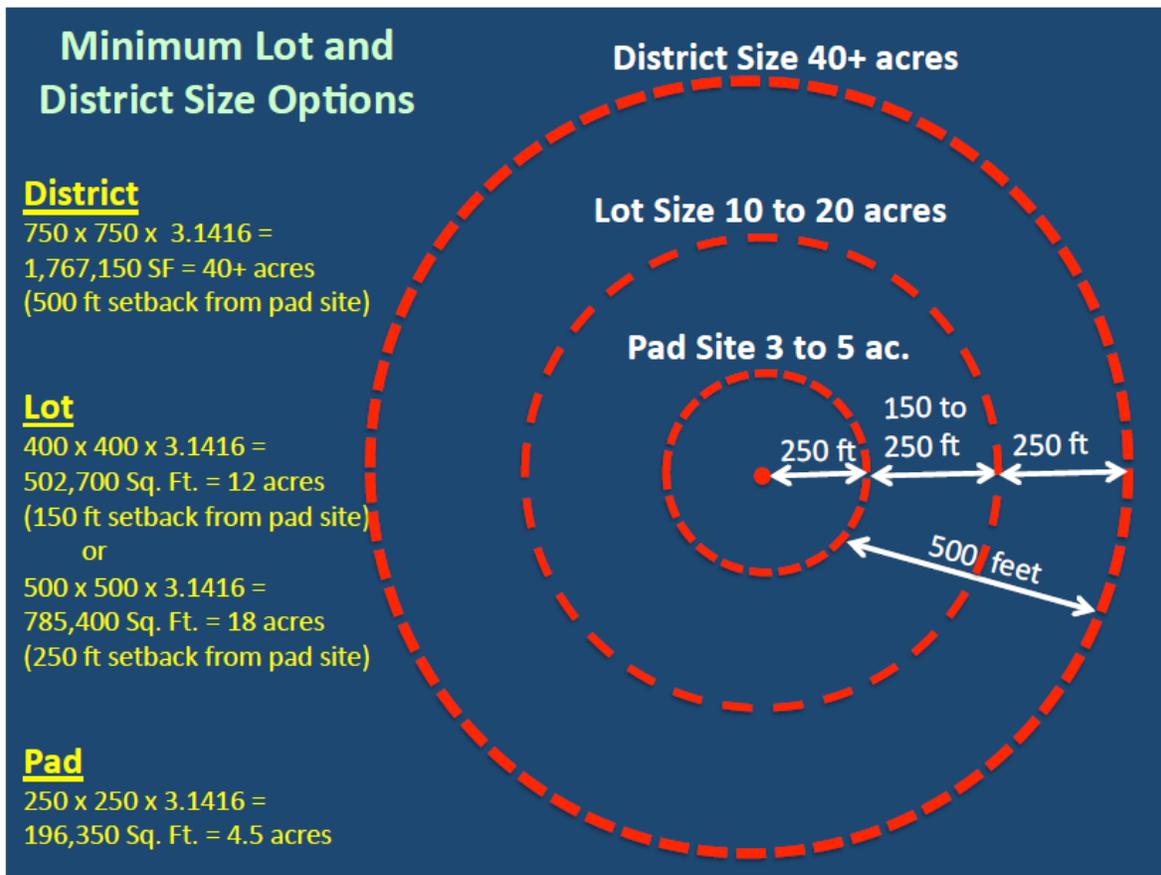
Horizontal drilling: An oil and gas well drilling process in which the well bore being drilled is not kept vertical but is turned using controlled means along a predetermined path to a particular subsurface target. Horizontal drilling includes directional drilling.

3.

Insert in Article 12 after the definition of *Wellhead Protection Radius* a definition for *Well Pad*, as follows:

Well Pad: The activity area for oil and gas well drilling which includes the site used for drilling one or more wells in close proximity, and including the related staging area, onsite storage and/or processing facilities, and other facilities and operations onsite for the well drilling or subsequent extraction operations. This definition is not intended to include access roads, pipe lines, or other such other facilities that are not part of the compact operations area.

[Illustration of the relation of lot/district size and setbacks]



Draft amendments to the Westmoreland County Zoning Ordinance

Alternative 2 – Prohibit Oil and Gas Drilling and Extraction

Amendments to Article 2, as follows:

1.

In Section 2-1.3 Permissible Use (by special exception)

- a) Delete the following text:
 - 31. Oil and Gas Wells, Drilling
- b) Renumber the following permissible uses as necessary

2.

In Section 2-13.3 Permissible Use (by special exception)

- a) Delete the following text:
 - 47. Oil and Gas Wells, Drilling
- b) Renumber the following permissible uses as necessary

3.

In Section 2-21.3 Permissible Use (by special exception)

- a) Delete the following text:
 - 19. Oil and Gas Wells, Drilling
- b) Renumber the following permissible uses as necessary

4.

In Section 2-22.3 Permissible Use (by special exception)

- a) Delete the following text:
 - 19. Oil and Gas Wells, Drilling
 - b) Renumber the following permissible uses as necessary
-

Amendment to Article 12, Definitions, as follows:

1.

a) Replace the following definition in Article 12:

Oil and Gas Well Drilling: Boring or drilling a hole in the earth for the purpose of finding and mining oil or natural gas resources.

b) With the following definition:

Oil and Gas Well Drilling: Boring or drilling into the earth for the purpose of finding or extracting oil or natural gas resources, the extraction of those resources, and all related

activities and development. This includes, but is not limited to, the drilling and facility location; facilities, operations, and any on-site processing or storage; transportation; and the closure and restoration of the site. This activity is not considered or allowed as a temporary use, even though the use is expected to be terminated at some point; and it is not considered as part of a public utility or public utility facility, even if owned, operated, and/or connected to a public utility.

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