

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY PENNSYLVANIA**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE PROVISIONS
RELATING TO THE REGULATION OF GAS RESOURCES
DEVELOPMENT**

WHEREAS, The Township of O'Hara Zoning Ordinance encourages the most appropriate use of land throughout the Township and promotes the safety health convenience and general welfare of its residents;

WHEREAS, gas resources exist throughout Western Pennsylvania, including Allegheny County and the Township of O'Hara;

WHEREAS, gas exploration, drilling and extraction operations involve activities that may affect the Township's environment, infrastructure, residential districts and related public health safety and welfare;

WHEREAS, the Pennsylvania Municipalities Planning Code defines minerals to include natural gas;

WHEREAS, the Township Council finds it necessary to amend the requirements for gas resources development so that these resources can be utilized in a manner that minimizes potential impacts on the community;

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Council of the Township of O'Hara, Allegheny County Pennsylvania that Chapter 72 of the Township's Code of Ordinances, (the "Zoning Ordinance"), is amended as follows:

SECTION 1

Article II, Definitions, Section 72-2.9, is modified by deleting the following stricken language and adding the following underscored language:

Conventional gas well -- A vertical well bore that is drilled above the base of the Elk Sandstone Shale Formation or its geologic equivalent stratigraphic interval.

Gas - Natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through or below the surface of the earth as defined in the Pennsylvania Municipalities Planning Code, Section 606.

Gas Resources Development - The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with a gas well of any depth; water and other fluid storage impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, compressor stations, impoundments, gas processing facilities and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of gas pipelines and associated

equipment and other equipment and activities associated with the exploration for, production of and transportation of gas.

Gas Resources Development Site – A site that consists of the area occupied by the facilities, structures, materials and equipment (whether temporary or permanent) necessary for or incidental to the drilling for, production of or operation of a gas well.

Unconventional formation -- A geological shale formation existing below the base of the Elk Sandstone Shale Formation or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

Unconventional gas well -- A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

SECTION 2

Article IV, Section 72-4.15, Conditional Uses, is amended to remove Gas Resources Development as a conditional use in the R-1 District.

SECTION 3

Article V, Section 72-5.23, Conditional Uses, is amended to remove Gas Resources Development as a conditional use in the R-2 District.

SECTION 4

Article VIII, Section 72-8.48, Conditional Uses, is amended to add Gas Resources Development in the Commercial District as follows:

Gas Resources Development (not including compressor stations and gas processing facilities) is permitted as a conditional use within the C District pursuant to Section 72-13.92.

SECTION 5

Article IX, Section 72-9.55, Conditional Uses, is amended to add Gas Resources Development in the SM District as follows:

Gas Resources Development (including compressor stations and gas processing facilities) is permitted as a conditional use within the SM District pursuant to Section 72-13.92.

SECTION 6

Article XIII, Section 72-13.92.B. is hereby modified by deleting the following stricken language and adding the following underscored language:

B. Gas Resource Development:

1. ~~Where Gas Resources Development constitutes a land development pursuant to Township ordinances,~~ Gas Resources Development shall constitute a land development subject to the Township Subdivision and Land Development Ordinance. In addition, all provisions of any the applicable Township ordinances shall apply to Gas Resources Development in the Township, except as preempted by State or Federal law.

2. The applicant shall submit an application to the Township and provide a description of plans for the transportation of materials and equipment to construct, operate and maintain the Gas Resources Development facility. Such description shall include a map showing the planned vehicular access route to the Gas Resources Development Site indicating all state, county and local roads and transportation infrastructure that may be used. The proposed routes must be designed to minimize the impact on streets within the Township. The Township reserves the right to designate reasonable required truck hauling routes consistent with Township Ordinances, rules and regulations, as well as the Pennsylvania Motor Vehicle Code and Pennsylvania Department of Transportation. Upon approval of said application, applicable permits shall be issued by the Township and applicable fees paid to Township. Such fees to be established by Council from time to time.

3. Prior to the commencement of any activity on the Gas Resources Development Site, the applicant shall enter into a Township Roadway Maintenance and Repair agreement. Such agreement will be in a form acceptable to the Township and will require the posting of a bond at the paved highway rate in favor of the Township prior to beginning any work at a Gas Resources Development Site. The bond is to guarantee restoration of Township Roads damaged as a result of hauling and any other activity associated with the Gas Resources Development.

4. The applicant shall reimburse the Township for an inventory analysis and evaluation of existing road conditions on Township roads along the proposed transportation route identified by the Township including photography, video and core boring as determined to be necessary by the Township Engineer. The Township Roadway Maintenance and Repair agreement will identify the responsibilities of the applicant to prepare, maintain and repair Township roads before, during and immediately after drilling and other operations associated with the Gas Resources Development. The applicant shall take all necessary corrective action and measures as directed by the Township pursuant to the agreement to ensure the roadways are repaired and maintained during and immediately after drilling and other operations associated with the Gas Resources Development.

5. The applicant shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.

6. Beginning with its intersection with a public street, any access road or driveway for the development or drill site shall be paved with an impervious material for the first fifty feet (50') and consist of the following material:

Compacted subgrade

PADOT Class 4 Geotextile Fabric

8" AASHTO #2 Crushed Aggregate Base Course

2" PADOT 2A Aggregate (Choke material)

4" Compacted – Superpave 25mm Binder Course

The remainder of the driveway to the well pad shall be constructed with the following material:

Compacted Subgrade

8" AASHTO #2 Crushed Aggregate Base Course

2" PADOT 2A Aggregate (Choke material)

7. An off-street area within the development site for vehicles to stand while gaining access to the gas well site shall be provided so that the normal flow of traffic on the public street is undisturbed.

8. The applicant shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways. During periods of anticipated heavy or frequent truck traffic associated with the development, the applicant will provide flagmen to ensure the safety of motorists and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic.

9. No use in any district which by the nature of its use, operation or activity produces noise of objectionable character or volume as noted will be permitted in accordance with Section 72-18-158 of the Township Zoning Ordinance as follows:

- (a) **Adjacent to** Residential Uses: In excess of sixty (60) dba for two (2) hour duration.
- (b) **Adjacent to** Commercial Uses: In excess of sixty-five (65) dba for more than eight (8) hours during a twenty-four (24) hour period.
- (c) **Adjacent to** Industrial Uses: In excess of seventy-five (75) dba for eight (8) hours during a twenty-four (24) hour period.

All noise measurements shall apply and be measured at the property line of the subject property.

10. The applicant shall have obtained permits from the appropriate regulatory agencies or authorities issued in accordance with all applicable laws and regulations for the proposed use. The applicant shall provide the Township with copies of each such permit application and permit, with copies of all supporting documentation. All permits must be maintained during the use of the Gas Resources Development. Any suspension or revocation of a required permit shall void any ~~special exception~~ conditional use approval and require a new application.

11. Prior to development, the applicant shall provide to the Township a PA DEP approved Preparedness, Prevention and Contingency CTPC Plan that clearly outlines and describes all emergency planning associated with the Gas Resources Development.

12. Upon request of the Township Emergency Management Coordinator, the applicant will, prior to drilling its first gas well in the Township, make available with at least 30 days notice (at the applicant's sole cost and expense) one appropriate group training program for emergency responders. Such training shall be made available at least annually during any year that drilling activities take place at the Gas Resources Development Site.

13. Any equipment or material stored outside or in an enclosed structure being used as an incidental part of the primary operation, shall be screened by opaque ornamental fencing, walls or evergreen plant material in order to minimize visibility from any adjacent property or public road. All drill site pads and impoundment ponds shall be secured with a temporary fence with secured gates as follows:

- (a) The fence shall be a minimum of 6 ft. in height, and shall be chain link with green/black/brown fabric mesh.
- (b) The fencing shall be in place throughout the drilling operation and until the impoundment pond is removed.
- (c) The chain link fence shall have a minimum thickness of eleven gauge.

14. The applicant shall provide certification that a bond is held by the Pennsylvania Department of Environmental Protection (DEP) to ensure proper plugging when the well is classified as inactive by the DEP.

15. All drilling operations shall be conducted in such a manner as to minimize dust, vibration or noxious odors and shall be consistent with the best accepted practices incident to drilling for oil or gas in urban/suburban areas, and shall also be in compliance with the Zoning Ordinance. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site. Structures on the drilling site shall not be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in industry standards of drilling shall be adopted as they become available if capable of reducing factors of dust, vibration and odor. Watering, wetting or other methods or materials must be used to control dust adjacent to occupied properties.

16. No operation of heavy equipment, trucks, or drilling or pumping apparatus shall be conducted between the hours of 7 p.m. and 7 a.m. daily, or on Sundays or holidays, except by special permission issued by the Township Manager in accordance with Article III of Ordinance 1320.

17. Temporary structures on the Gas Resource Development Site shall be limited to construction trailers, field office and any structure directly ancillary to the drilling operation. Temporary housing, dormitories and sleeping facilities shall be strictly prohibited. A Temporary Use Permit shall be acquired from the Township prior to placement of any Temporary Structure in accordance with Article XIV, Section 72-14.94.G and valid for a period not to exceed twelve (12) months.

18. Conventional gas wells may not be drilled within 200 feet, or, in the case of an unconventional gas well, 500 feet, measured horizontally from the vertical well bore to a building or water well without written consent of the owner of the building or water well.

19. Notwithstanding any lesser setback requirement contained elsewhere in this Zoning Ordinance, gas well pads, compressor stations, gas, impoundments and gas processing facilities shall be set back at least one hundred (100) feet from any existing non-residential property line and three hundred (300) feet from any existing residential property line. In addition, such facilities may not be constructed on steep slopes of 25% or more.

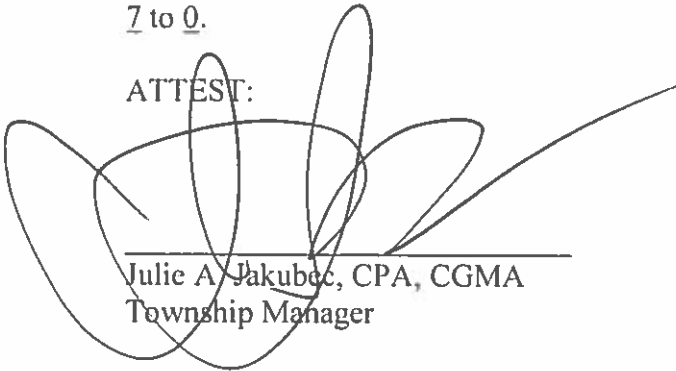
20. Notwithstanding any lesser minimum lot size requirement contained elsewhere in this Zoning Ordinance, the minimum lot size for a gas well pad, compressor station, impoundment or gas processing facility shall be ten (10) acres. Contiguous lot owners may not combine the acreage of their lands to satisfy this requirement. This restriction applies even if two contiguous lots are owned by the same person, unless such person obtains proper lot consolidation approval for the contiguous lots from the Township.

SECTION 7

If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction such shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

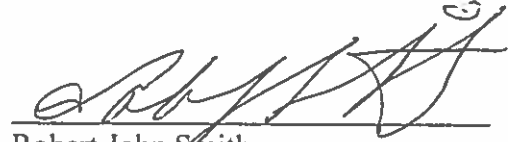
ORDAINED AND ENACTED into law this 9th day of October, 2018 by Council vote of 7 to 0.

ATTEST:



Julie A. Jakubec, CPA, CGMA
Township Manager

TOWNSHIP OF O'HARA



Robert John Smith
President of Council



First Reading	<u>Stewart - Frankowski</u>	<u>4 - 0</u>	<u>09/11/2018</u>
Second Reading			
& Adoption	<u>Denny, Jr. - Vogel</u>	<u>7 - 0</u>	<u>10/09/2018</u>
Advertised	<u>10/18/2018</u>	Codified	_____