

# Chapter 90 Setbacks Staff Report Overview



# Background

- In 2019, the Colorado General Assembly passed SB 19-181 which amended the O&G Conservation Act of the State of Colorado. Subsequent rulemaking based on the Act created several state-mandated minimum setback provisions, adopted in 2022.
- SB 19-181 changed COGCC's mission from "fostering" to "regulating" oil and gas that protects public health, safety, welfare, the environment, and wildlife resources.
- The county staff's rationale for the first draft of chapter 90 relied on the testimony and data from the State's approach to setbacks.

# Purpose of setbacks

- Setbacks are intended to avoid, minimize, or mitigate the adverse impacts of oil and gas operations on public health, safety, welfare, the environment, and wildlife resources in the surrounding community.
- SB 19-181 acknowledged local government's role in accomplishing this by regulating surface impacts of O&G operations.
- The setback requirements were decided after the consideration of various impacts which include impacts on health, safety, and general welfare.

# Current Ch. 90 Setback Regulations

Type of setback	Minor Facility Setback	Distance Waiver
Closest property line to a minor facility	150' (between the wellhead and closest property line)	Distance may be waived with written consent.
Buildings, public roads, major above-ground utilities, or railroads	200' (between the wellhead and closest property line)	No
Existing residential structures/platted building envelopes	500' (between the wellhead and structure or building envelope)	Distance may be waived with written consent.
Pipeline	50'	No
Major Facility	Site-specific. No less than a Minor Facility.	Distance determined on site-specific basis. May be waived with written consent.

# State Requirements for Setbacks

Type of building/location	Well Locations	"Off Ramps"
Surface property line	150' (from the well - Rule 604.a.2)	Yes
Any building, public roads, major above-ground utilities, or railroads	200' (from the well - Rule 604.a.1)	No
School facility or child care center	2,000' (from working pad - Rule 604.a.3)	No
Residential building units, high occupancy building units	0'-2,000' (from working pad - Rule 604.b)	Yes
Pipeline	N/A	N/A

# COGCC “Off Ramps”

1. Informed consent is obtained.
2. Location is within an approved comprehensive area plan that includes siting.
3. Any wells, tanks, separation equipment, or compressors proposed on the O&G location will be located 2,000 feet away from all residential and high occupancy building units. The working pad can be closer than 2,000 feet as long as the equipment is at least 2,000 feet away.
4. COGCC holds a hearing to determine whether the conditions of approval will provide “substantially equivalent protections.”



# Ch. 90 First Draft Proposed Setbacks

Type of building/location	Well Locations	"Off Ramps"
Any building, public roads, major above-ground utilities, or railroads	200' (Defers to COGCC)	No
Residential building units, high occupancy building units	0'-2,000' (Defers to COGCC)	Yes
Commercial & Industrial buildings, or property line	500'	No
Reciprocal setback (existing O&G facility)	500'	Yes (P&A)
School facility or child care center	2,000' (Defers to COGCC)	No
Pipeline	50'	No

# COGCC vs. Ch. 90 Draft: Setbacks

Type of building/location	LPC	COGCC	"Off Ramps"
Surface property line	500'	150'	LPC – Yes COGCC - Yes
Any building, public roads, major above-ground utilities, or railroads	County defers to COGCC	200'	LPC – No COGCC - No
Residential building units, high occupancy building units	County defers to COGCC	0'-2,000'	LPC – Yes COGCC - Yes
Commercial buildings, industrial buildings	500'	No setback rule	LPC – No COGCC – N/A
School facility or child care center	County defers to COGCC	2,000'	LPC – No COGCC - No
Reciprocal setback (existing O&G facility)	500'	No setback rule	LPC – Yes COGCC – N/A
Pipelines	50'	No setback rule	LPC – No COGCC – N/A



# Questions?



# Questions for the Board:

1. Should the County's 500-foot minimum setback in draft subparagraph 90-10.II.C.2 pertaining to setbacks from commercial or industrial buildings or property lines also apply to residential building units and high occupancy building units?
2. With respect to setbacks other than the minimum setbacks already established in the draft, should the County defer to the COGCC to establish setbacks between 2,000' using the "off-ramp" considerations in rule 604.b, or does the Board wish to exercise more local control over the process?
3. If the County does not defer to the COGCC, in what ways does the Board wish to deviate from the COGCC's process that would be at least as protective as those set forth in rule 604.b?

