

BoCC Policy Meeting:

November 4, 2022, 3:00-5:00

► Context for policy question:

For Residential Building Units and High Occupancy Building Units, in staff's first draft the County defers to the COGCC to implement Rule 604.b and establish setbacks between 500' and 2000'. When considering a distance less than 2,000', the COGCC considers the following 4 "off ramps":

- a. Owners and tenants of residential building or high occupancy building within 2,000' give informed consent to the proposed oil and gas location
- b. Location is within an approved comprehensive area plan that includes preliminary siting approval per Rule 314.b.5 or an approved comprehensive drilling plan
- c. Any wells, tanks, separation equipment or compressors proposed on the O&G location will be located more than 2,000' from all Residential Building Units or high occupancy building units; or
- d. The Commission finds after a hearing that the O&G location and conditions of approval will provide substantially equivalent protections for PHS&W, the environment and wildlife resources.

In subparagraph 90-10.II.C.2, staff's draft establishes a minimum setback of 500' from all property lines, commercial buildings, and industrial buildings and in subparagraph 90-10.II.C.3, staff's draft establishes a minimum setback of 50' from flowlines and pipelines.

Setback policy questions:

- ▶ 1. Should the County's 500-foot minimum setback in draft subparagraph 90-10.II.C.2 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 500' and 2,000' using the above criteria 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?

Public participation:

- ▶ Submission of position statements:
 - ▶ Deadline: October 24 no later than 5:00 pm
 - ▶ Length: No longer than 10 pages. Aligned or similarly situated parties are encouraged to combine their comments into a single statement.
 - ▶ If a party wishes to testify on November 4, its position statement should request such an opportunity along with an estimate of the time needed.
 - ▶ Staff will allocate time based upon the number of requests received and the time estimated as necessary for Board deliberation. Parties will be notified of the time allocated to them no later than October 28. The allocations may vary depending upon the number of parties associated with each statement and the interests of the parties.
- ▶ Oral comments from public wishing to comment on November 4 but not submit statements will be limited to 3 minutes.

Staff report:

- ▶ Present background information on the topic
- ▶ Summarize State requirements
- ▶ Explain rationale for the current draft language
- ▶ Perform pro/con analysis