



La Plata County
Colorado

Current as of 11/10/2022
(subject to change)

Chapter 90 – LPC Oil and Gas Code

I. Items of Note: On the County’s website Planning Department page:

- A. Update to visual mitigation guide
- B. Conforming amendments to remainder of the land use code
- C. Word version of draft Chapter 90 for ease of redlining
- D. Provide feedback on the draft (on Planning Department page, click “Oil and Gas” on left hand ribbon)
- E. Review public comments received to date (on Planning Department page, click “Oil and Gas” on left hand ribbon)
- F. Coming soon: Statement from the Southern Ute Indian Tribe relating to air quality regulations.

II. Dates of Interest

November 4, 2022, 3:00-5:00 pm: Board of County Commissioners meeting. Continuation of October 17 meeting on financial assurance policy questions. Members and staff of the Colorado Oil and Gas Commission will attend this meeting and it is anticipated that they will provide the Board information on the following:

- a. Colorado’s orphan well program.
- b. How wells are placed and prioritized on the State’s Comprehensive Orphan Wells and Orphaned Sites List.
- c. How the orphan well mitigation fee enterprise fund operates.
- d. How the State intends to use its annual mitigation fee and funds received from the Federal Infrastructure Investment and Jobs Act.
- e. Information on the availability of contractors to perform P&A work in La Plata County.
- f. Explanation of the COGCC’s process set forth in Rule 604.b relating to setbacks for Residential Building Units and High Occupancy Building Units (as those terms are defined in COGCC rules).

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There will be no opportunity for public comment at the November 4 meeting as the time will be used for the COGCC presentation.

November 7, 2022: Release of La Plata County staff's report on the following policy questions related to setbacks:

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?

November 14, 2022: Deadline for public's submission of position statements on setback policy questions. (Questions are set forth under November 7 above or see [here](#) for the policy questions with additional context). Submit position statements via email to Ted.Holteen@co.laplata.co.us. Position statements may not exceed 10 pages (including exhibits) and should be limited to a discussion of the setback policy questions.

If a party submitting a position statement wishes to testify at the December 7, 2022 Board of County Commissioners' meeting where the three setback policy questions will be considered, indicate in your statement the amount of time requested for your testimony. Staff will allocate time based upon the number of requests received and the time necessary for Board deliberation. Parties will be notified of the time assigned to each party no later than November 17. Parties who do not submit a position statement or do not request testimony time in their position statement may testify on December 7 but will be limited to three minutes. If there is inadequate time for all public comment and testimony on December 7, such comment and testimony may be continued to December 16, 2022.

All position statements and staff's report addressing the three policy questions may be found in the Board's agenda packet at <http://laplatacountyco.iqm2.com/Citizens/Default.aspx> and will be posted by November 22.

November 14, 2022, 8:00-10:00 am: Board of County Commissioners' meeting. Continuation of October 17 and November 4 meeting on financial assurance policy questions. At this meeting La Plata County staff will provide the Board answers to additional questions posed by the Board to staff at the October 17 meeting (and not addressed by the COGCC). The Board, at its discretion, may also direct additional questions to parties who testified on October 17 or provide the opportunity for rebuttal testimony. It is expected that the Board will provide formal direction to staff

on the two policy questions and that direction will dictate changes, if any, to be made to the draft of Chapter 90.

November 18, 2022, 5:00 pm.: Deadline for initial public input on the first draft of Chapter 90, the conforming amendments to the remainder of the land use code and the visual mitigation guide. Comments to the drafts may be submitted [here](#).

A Word and PDF version of Chapter 90 are available [here](#). Links to the conforming amendments and visual mitigation guide may be found [here](#).

December 7, 2022, 5:30-7:30 pm: Board of County Commissioners' meeting to receive testimony on setback policy questions and provide policy direction. Staff will first present its staff report and then public comment and testimony will be taken.

December 16, 2022, 10:00-12:00: Date for potential continuation of December 7, 2022 Board meeting on setback policy questions.