

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, JULY 18, 2023**

<p>ATTENDANCE</p>	<p>A regular meeting of the Arapahoe County Planning Commission (PC) was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code.</p> <p>The following Planning Commission members were in attendance: Kathryn Latsis; Randall Miller, Chair; Dave Mohrhaus; Richard Sall; Lynn Sauve, Chair Pro-Tem; and Jamie Wollman.</p> <p>Also present were Robert Hill, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager; Ava Pecherzewski, Development Review Planning Manager (moderator); Molly Orkild-Larson, Principal Planner; Diane Kocis, Energy Specialist; and Kim Lynch, Planning Technician.</p>
<p>CALL TO ORDER</p>	<p>Mr. Miller called the meeting to order at 6:30 p.m. and roll was called.</p> <p>The meeting was held in person and through the Granicus Live Manager platform with telephone call-in for staff members and public.</p>
<p align="center">PUBLIC HEARING ITEMS:</p>	
<p>ITEM 1</p>	<p>CASE NO LDC23-003, OIL AND GAS / LAND DEVELOPMENT CODE (LDC) AMENDMENT – DIANE KOCIS, ENERGY SPECIALIST – PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Mr. Miller asked the County Attorney if proper noticing for this case had been made. Mr. Hill stated the case had been properly noticed and the PC had jurisdiction to proceed.</p> <p>Ms. Kocis gave a PowerPoint presentation, a copy of which was retained for the record. She stated that existing regulations for Arapahoe County (AC) were adopted November 2021 after extensive outreach with residents, other agencies, and the oil & gas industry which she described in detail. She said Staff took a balanced approach to mitigate impacts on residential properties while allowing industry to develop their mineral rights. She confirmed the proposed amendments addressed the urgent concerns surrounding potential Oil and Gas (O&G) development near the Aurora Reservoir and corrected omissions discovered after the initial adoption of the regulations. She disclosed the proposed changes to the LDC for each of the following rules (see attached Staff Presentation for exact language proposed):</p> <ul style="list-style-type: none"> ○ Relationship to State of Colorado Rules ○ Neighborhood Meetings Notifications

- Additional Application Information
- Applications that Include a Lesser Setback
- Reservoir Setbacks
- Post Incident Meetings
- Handwashing Facilities
- Crypto Currency Mining as an Allowed Use

There was discussion regarding the following:

- How was the one-mile reservoir setback established?
- Was crypto currency mining growth expected?
- Did crypto currency mining rely on grid power?
- Did O&G operators monitor noise?
- How many permits were holding while waiting for these regulations to be updated?
- Why were handwashing stations addressed in this phase of the updates?
- Was an Emergency Action Plan (EAP) required for fire safety training?

Jeffrey Moore, PG, Energy & Environment Division of the City of Aurora, stated that the one-mile reservoir setback was set by city code standards and provided a conservative distance needed for health and safety. Ms. Kocis explained that crypto currency mining was expected to grow in the future and would likely be further defined as regulations were created. She said that natural gas on stranded O&G well pads was used to produce electricity necessary to run computers continuously in that mining process. She described how the natural gas was routed to a separator then routed to engines that would produce the electricity. She announced that the State was responsible for monitoring noise level of 60 decibels at the property line of an affected individual when a complaint was received. She informed the commission that there were two O&G operators who plan to submit applications to add approximately 148 wells on about 13 pads, who had agreed to hold their applications until these regulations were updated in the LDC. She affirmed that hand washing stations had been added as a result of a Tri-County Health Department concern for 12- hour day workers not having hand washing facilities available at job sites. She stated that the LDC had been updated in 2021 with this EAP rule to require a complete EAP being submitted with every application.

Mr. Miller opened the hearing for public comments. There were twenty-four members of the public present who wished to speak, two were in favor and twenty-two were in opposition. There were eleven callers who also spoke in opposition. The public comment from these people are summarized generally as follows.

Points in favor:

- One-mile reservoir setback was appropriate and adequate.
- Alternative access roads are needed.
- General Manager of Aurora Water stated that they were confident that the one-mile setback was protective. He reported that Aurora Water

did consult with hydrologic and hydrogeologic experts for setbacks from spills of firefighting foam, any potential contaminants and found that while a one-mile setback did not completely eliminate risk; it was deemed a reasonable setback which had reasonable protections.

Concerns raised in opposition:

- Health and human safety were jeopardized by any setback less than the one-mile set back and the ability to request a lesser setback, due to potential air-borne pollutants.
- There should be no setback reductions in the reservoir rules.
- The science did not support industry claims that upgradient residents were not at risk.
- Air pollution and water pollution were the biggest risks to children, people with disabilities, elders, and wildlife.
- Crypto mining as an accessory use that will invite poorly regulated and potentially dangerous uses of older wells.
- Representative of the Colorado Oil and Gas Association (COGA) stated that a one-mile reservoir set-back was unlawful, unreasonable, and not supported by any evidence. Furthermore, the existing Federal and State provisions make these County regulations duplicative and unnecessary.
- COGA also felt the proposed waiver process conferred complete veto power on water providers.
- Handwashing rule was unnecessary.
- Deny the amendment in favor of more stringent rules.

The public hearing was closed.

The PC then discussed the public comments and further questions were posed:

- Were there any well sites within one mile of any reservoir?
- Were operators allowed to operate during school bus hours?
- How was monitoring of O&G operations conducted in Colorado and specifically Aurora and how was it funded?

Ms. Kocis stated there were well pads within one mile of reservoirs north of Arapahoe County. She affirmed that operators were discouraged from using County roads during school bus hours and this was originally established in the County's Memorandum of Understanding (MOU) and carried over to the existing O&G rules adopted in 2021. She reported that Adams County had an interagency agreement with COGCC to train an inspector. She estimated that about \$400 per well inspection funded the Adams County inspections. Mr. Jeffrey Moore stated that SB19-181 gave Aurora the authority to charge a \$3,000 general inspection fee and up to \$1,500 per well head. He added they conducted many other site inspection types. He described how monitoring emissions could be managed by using infrared detectors and suggested a potential annual fee paid by operators could provide funding for these. He stated that O&G royalties to the city had also been used to purchase that equipment for Aurora.

	<p>The PC discussed the following leading to the Motion to Continue:</p> <ul style="list-style-type: none"> • The off-ramps and exceptions to reservoir setbacks were of concern. • Mineral rights tactics for acquisition of land to conduct O&G operations should be noted as inappropriate and unfortunate. • Crypto currency mining infrastructure and definitions needed to be explored further by the PC before a decision to recommend approval or denial was made. • Crypto mining regulations and resulting environmental impacts should be known before this should be considered as an accessory use; consider removing crypto mining from the proposed amendment. • Concern raised about lack of county monitoring of O&G well sites. • Concern that state fines and enforcement were not sufficient to address non-compliance and spills. • Consider a greater notification radius buffer of those impacted by O&G permits. • It was suggested that hand washing stations be removed from the proposed amendment. • Could Arapahoe County charge operators fees to fund a local oil & gas inspection program? <p>The motion was made by Ms. Sauve and duly seconded by Ms. Latsis and point was 5 amended by Mr. Mohrhaus then seconded, in the case of LDC23-003, Oil and Gas Regulations / Land Development Code (LCD) Amendment, I move to continue the hearing to August 15, 2023, at 6:30pm to obtain additional information and further consider recommendations of the following items:</p> <ol style="list-style-type: none"> 1. The issue of notification and what should be the distance with that. 2. Removing crypto currency data mining as an accessory use at this point. 3. Reviewing the setbacks and possibly limiting to one mile minimum. 4. The possibility of removing the handwashing element at this point. 5. Including a look at the possibility of requiring yearly O&G inspections and monitoring by the County that would be paid for by the operator. <p>The vote was:</p> <p>Mr. Brockelman, Absent; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes; Ms. Wollman, Yes.</p>
<p>ADJOURNMENT</p>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>