

ARAPAHOE COUNTY
COLORADO'S FIRST

**Arapahoe County Board of County Commissioners
General Business Meeting
October 26, 2021**

Amendment of the Land Development Code to Include New Requirements for Oil & Gas Development, Case LDC19-004

[illegible]

HAND OUT
CASE LDC 19-004

SETBACK EXCEPTIONS AND WAIVERS: COGCC VS ARAPAHOE COUNTY

| COGCC Setback Exceptions/Off-Ramps | COGCC rules clarifying info | County's Draft Rules Waivers/Exceptions |
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| Building Owner/Tenant Agreement: Residential Building Unit owners and tenants and High Occupancy Building Unit owners and tenants within 2,000 ft of a working pad surface explicitly agree with informed consent of the proposed Oil & Gas Location (aka pad). Rule 604.b. | High Occupancy Building Units: any school, nursing facility, hospital, life care institution, correctional facility, child care center or multifamily dwelling with 4 or more units. If the parties (homeowners/tenants or high occupancy building owners/tenants agree to a proposed pad with a lesser setback, the setback could be as little as 500 ft. Rule 604.a.(2) In some rare cases the setback could be as little as 150 ft per COGCC staff. | Property Owner Agreement: This setback (2,000 ft) may be reduced with the consent of property owners within the setback radius. Fire district approval is required. However, in no case may this setback be reduced below 500 feet. |
| Comprehensive Area Plan: The location is within an approved Comprehensive Area Plan that includes preliminary siting approval or an approved Comprehensive Drilling Plan. | Comprehensive Area Plan: A plan created by one or more operators covering future O&G operations and addressing cumulative impacts in a defined geographic area. Comprehensive Drilling Plan: A plan created by one or more operators covering future O&G operations in a defined geographic area. The plan may ... describe the operator's future oil and gas operations in the area (or) identify potential impacts. | |
| Working Pad Surface Setback: Any wells, tanks, separation equipment, or compressors proposed on the Oil and Gas Location will be located more than 2,000 feet from all Residential Building Units or High Occupancy Building Units. | Equipment on the pad is located greater than 2,000 ft from all homes and high occupancy buildings but the pad boundary is less than 2,000 ft from homes or high occupancy buildings, a lesser pad boundary setback would be allowed. | County Setback: Setbacks from new Oil and Gas Locations to existing occupied structures are measured from the edge of pad, not the equipment. |
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| <p>COGCC Public Hearing:</p> <p>The Commission finds, after a hearing pursuant to Rule 510, that the proposed Oil and Gas Location and conditions of approval will provide substantially equivalent protections for public health, safety, welfare, the environment, and wildlife resources, including Disproportionately Impacted Communities. The Commission will base its finding on information including but not limited to:</p> <ul style="list-style-type: none"> A. The Director's Recommendation on the Oil and Gas Location pursuant to Rule 306 b. B. The extent to which the Oil and Gas Location design and any planned Best Management Practices, preferred control technologies, and conditions of approval avoid, minimize, and mitigate adverse impacts, considering: <ul style="list-style-type: none"> i. Geology, technology, and topography; ii. The location of receptors and proximity to those receptors; and iii. The anticipated size, duration, and intensity of all phases of the proposed Oil and Gas Operations at the proposed Oil and Gas Location. C. The Relevant Local Government's consideration or disposition of a land use permit for the location, including any | | <p>Certain Standards—Administrative Waivers:</p> <p>A request to waive or modify a regulation shall be made in writing at the time of application and will be evaluated on the merit of the individual request. Requests must be justified by specific and extraordinary conditions of the location that make compliance with the particular standard or requirement not reasonably achievable or unnecessary and a showing that granting the request will not be detrimental to public health, safety, or welfare or the environment and is not otherwise inconsistent with the intent and purpose of the standard or requirement.</p> <p>A request under this Section 5-3.6.E.5 shall be submitted to the Director of Public Works and Development for decision. The applicant may appeal that decision to the Board of County Commissioners.</p> <p>Setbacks—Use by Special Review with Public Hearing:</p> <p>This setback (2,000 ft) may be reduced provided that the Oil and Gas Facility application is approved through a Use by Special Review as provided in Section 5-3.4 of the Land Development Code and provided that the reduction in setback is justified by specific and extraordinary conditions of the proposed location that make compliance with the particular standard or requirement not reasonably achievable or unnecessary and a showing that granting the request will not be detrimental to public health, safety, or welfare or the environment. However, in no case may this setback be reduced below 500 feet.</p> |

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| <p>siting decisions and conditions of approval identified as appropriate by the Relevant Local Government;</p> <p>D. The Operator's alternative location analysis conducted pursuant to Rule 304.b.(2), <u>or an alternative location analysis performed for the Relevant Local Government</u> that the Director has accepted as substantially equivalent pursuant to Rule 304.e;</p> <p>E. Related Oil and Gas Location siting and infrastructure proposed as a component of the same Oil and Gas Development Plan as the proposed Oil and Gas Location;</p> <p>F. How Oil and Gas Facilities associated with the proposed Oil and Gas Location are designed to avoid, minimize, and mitigate impacts on Residential Building Units and High Occupancy Building Units; or</p> <p>G. The Operator's actual and planned engagement with nearby residents and businesses to consult with them about the planned Oil and Gas Operations.</p> | | |

Terms used

Residential Building Unit: A building or structure designed for use as a place of residency, by a person, a family or families. The term includes manufactured, mobile, and modular homes, except to the extent that any such manufactured, mobile, or modular home is intended for temporary occupancy or for business purposes. Each individual residence within a building will be counted as one Residential Building Unit.

High Occupancy Buildings: a. Any school, nursing facility as defined in C.R.S. 25.5-4-103(14), hospital, life care institution as defined in C.R.S. 12-13-101, or correctional facility as defined in C.R.S. 17-1-102(1.7), provided the facility or institution regularly serves 50 or more persons; b. An operating Child Care Center as defined in C.R.S. 26-6-102(5) or c. A multifamily dwelling with four or more units.



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Public Hearing on the 2022 Recommended Budget

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Refinancing Lease Purchase Agreement - Lima Plaza

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