

# Boulder County Land Use Department



## **DC-12-0003: Amendments to Oil and Gas Development Regulations**

**Follow-up meeting for additional Planning Commission discussion and direction to staff following the September 24, 2012 public hearing regarding proposed Land Use Code amendments addressing oil and gas**

**October 1, 2012**

**4:00 p.m.**

## AGENDA

**On September 24, 2012 Planning Commission held a Public Hearing to consider proposed Land Use Code amendments addressing oil and gas development. Public testimony was taken and the public hearing was closed.**

**Today's meeting is for Planning Commission to continue its discussion and provide direction to staff.**

**No public testimony will be taken at today's meeting.**



# ANTICIPATED SCHEDULE & OPPORTUNITIES FOR INPUT

**\*Moratorium in effect until February 4, 2013\***

## **UPCOMING Planning Commission Review of Draft Regulations:**

- **October 17 at 1:30 PM** – *Planning Commission's regular monthly meeting.*
- **October 30 at 4:00 PM** – *Planning Commission's final meeting on the Draft Regulations if they have not provided a recommendation to the BOCC by this date.*

## **Board of County Commissioners' Review of Draft Regulations:**

- **November and December** - *Anticipated Board of County Commissioners public hearings on proposed Land Use Code amendments.*

Project website: <http://www.bouldercounty.org/live/property/pages/oilgas.aspx>



# EXPEDITED v. STANDARD

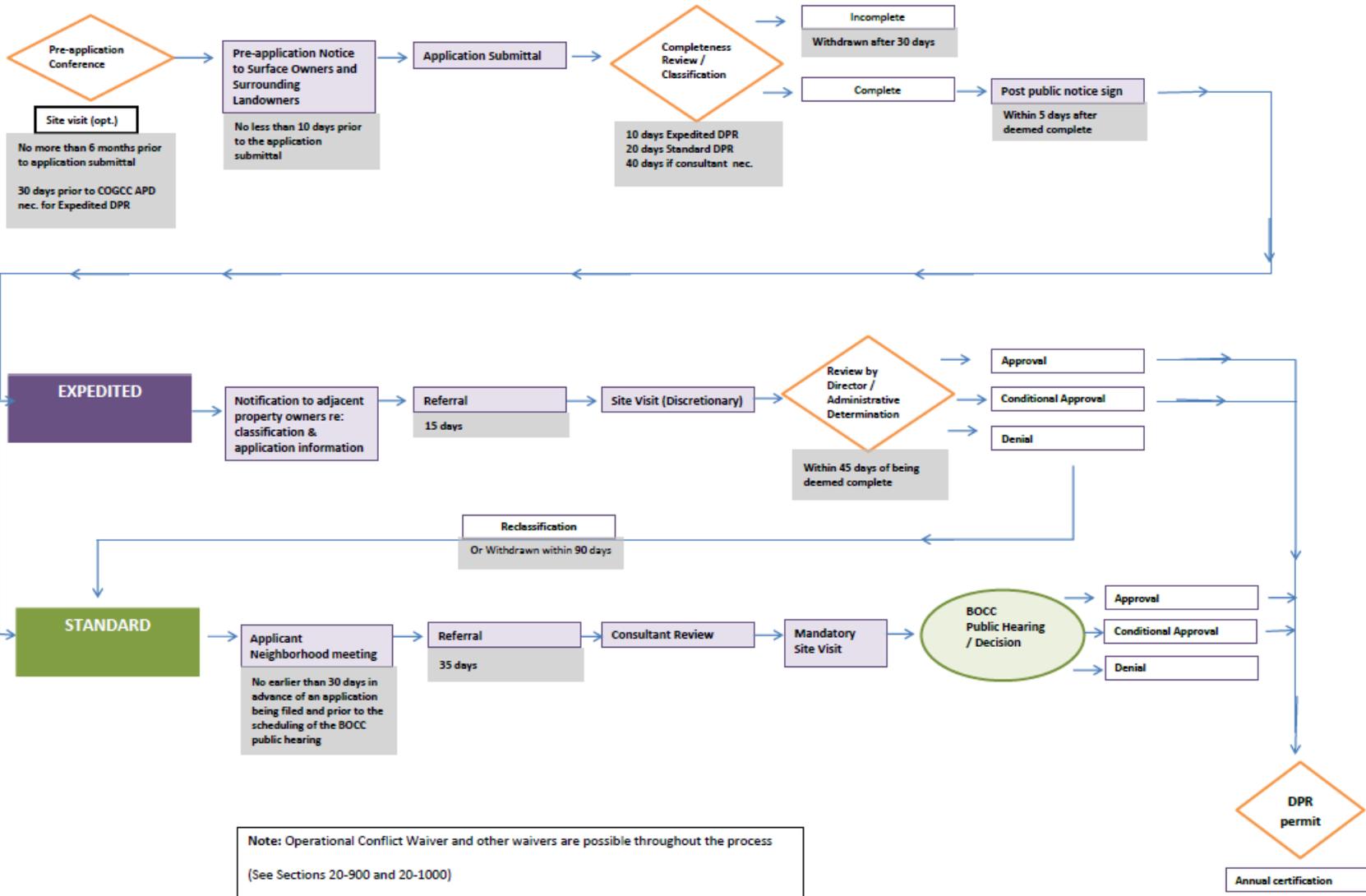
## Expedited DPR Process:

- Objective standards that operators can volunteer to meet
- 45-day administrative review
- Pre-application conference 30 days prior to applying for APD
- Well siting provisions:
  - 500 ft from occupied structures
  - 150 ft from property lines
  - 500 ft from surface water bodies
  - 500 ft from water wells
  - Not located in subdivision or townsite
  - Not within high hazard geologic area
  - Not located in floodway
  - Not located within wetlands
  - Not within BCCP natural resource and critical wildlife habitat areas
- Transportation access standards and fee
- Air quality provisions
- Water quality monitoring and well testing provisions

## Standard DPR Process

- Goal-based (subjective) criteria used to analyze potential impacts
- BOCC Public Hearing
- Applicant Neighborhood Meeting 30 days before filing application with the County
- Mitigation plans / review standards involving the siting of wells to address land use issues such as:
  - Compatibility with surrounding land uses
  - Land disturbance
  - Natural resources
  - Agricultural land
  - Transportation system impacts
  - Scenic attributes and rural character
  - Cultural and historic resources
  - Geologic hazards
  - Wetland protection
  - Recreational activities
  - Air quality
  - Water quality





**Oil and Gas Development Land Use Code Amendments**

**Expedited and Standard DPR Processes**

10/1/2012



# ELIGIBILITY (STD V. EXP)

## Standard DPR Review

### Eligibility

Applications that choose the Standard DPR Review.

Applications that do not qualify for Expedited Review.

Applications that are reclassified from Expedited Review.



## Expedited Review

### Eligibility

Wellheads, pumping units, tanks, and treaters are at least 500' from any **occupied structure**.

Wellheads, pumping units, tanks, and treaters are at least 150' from any **property line**, unless verified written consent is obtained from affected property owners.

Wellheads, pumping units, tanks, and treaters are at least 500' from any **surface water body** including ditches and reservoirs as identified and mapped on the County's Ditch and Reservoir Directory.

Wellheads, pumping units, tanks, and treaters are at least 500' from any **domestic or commercial water well**.

Wellheads, pumping units, tanks, and treaters are not located within a **platted subdivision** or **mapped townsite**.

The well is not within a **high hazard geologic area** as defined in the Comprehensive Plan.

The Wellheads, pumping units, tanks, and treaters are not within a **floodway**.

The Wellheads, pumping units, tanks, and treaters are not within **wetlands areas**.

The Wellheads, pumping units, tanks, and treaters are not within mapped **significant natural communities, natural landmarks and natural areas, rare plant areas, significant riparian corridors, or critical wildlife habitat** as defined in the Comprehensive Plan.

**Pre-Application Conference.** Completion of the pre-application conference with the County prior to completing well siting decisions and at least thirty (30) days prior to filing the application for permit to drill with the COGCC; a site visit may be required.



# APPLICATION REQS (EXP.)

## Application Requirements

### Application Form.

**Mineral Owner.** Certification by the applicant that it is either the owner of the mineral estate or that it has all necessary lease interests in the mineral estate.

**Date of APD Filing.** Anticipated date of its APD filing with the COG

**Pre-Application Checklist.** Completion of the pre-application conference, including completing well siting decisions and at least thirty (30) days prior to the permit to drill with the COGCC.

**Proof of Notice.** Proof that applicant has mailed notice to surface landowners at least ten (10) days prior to the application submission.

**Verification of Legal Access and Use of Private Roads - Informatic** operator has the right to use private access roads which are necessary for the operation. If the operator has entered an agreement with the private road owner for reimbursement for damages.

**Other Wells and Other Oil and Gas Operations.** A map showing the location of other oil and gas operations within one (1) mile of the site.

**Site Plan.** A map with north arrow and appropriate scale for the proposed operation including the following:

1. **Well Siting.** The location of wellhead, pumping units, tanks and treaters. Expedited DPR applications shall also include information regarding the **well siting criteria of Section 20-601(B):**
  - a. Occupied structures within 500 feet of wellhead, pumping units, tanks and treaters.
  - b. Property lines within 150 feet of wellhead, pumping units, tanks and treaters.
  - c. Surface water bodies (including ditches and reservoirs) within 500 feet of wellhead, pumping units, tanks and treaters.
  - d. Domestic and/or commercial water wells within 500 feet of wellhead, pumping units, tanks and treaters.
  - e. Floodway on the property.
2. **Dimensions of the Site.** Dimensions of the site, indicating area in square feet and acres, and the area of the site to be disturbed for permanent operations and temporary

operations.

3. **Easements and Rights-of-Way.** Utility line easements and rights-of-way within 150 feet of the proposed site and access road.
4. **Improvements.** Existing improvements within 1500' of the location on which the operation is proposed.
5. **Existing and Proposed Facilities.** Existing and proposed facilities such as structures, pipelines, tanks, wells, gathering lines, flow lines, staging and storage areas, equipment, temporary use area and permanent well pads.
6. **Existing and Proposed Roads.** Existing and proposed roads within the site as well as ingress and egress from public and private roads.
7. **Site Features.** Site features such as floodplains, water bodies, drainage patterns, ditches, wetlands or aquatic habitat, vegetative cover, wildlife habitat and wildlife migration routes, and geologic features within 1,500 feet of the location on which the operation is proposed.
8. **Topography.** Existing and proposed topography at five-foot intervals to portray the direction and slope of the area affected by the operation within 1,500 feet.

**Air Quality Mitigation Plan.** A Plan establishing compliance with the air quality provisions of Section 20-602(A).

**Emergency Preparedness Plan.** A plan establishing compliance with Emergency Response provisions of Section 20-602(B) / Section 20-703(D)

**Operation Plan.** A plan including the method and schedule for drilling, completion, transporting, production and post-operation.

**Transportation, Roads, Access Standards, and Fees.** A plan establishing compliance with the transportation provisions of Section 20-602(D).

**Water Quality Plan.** A plan establishing compliance with the water quality provisions of Section 20-602(C).



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**Proof of Notice.** Proof that applicant has mailed notice to surface owners and mineral landowners at least ten (10) days prior to the application submittal.

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# APPLICATION REQS (STD)

## **Additional Required Plans**

**Agricultural Land Mitigation Plan.**

**Cultural and Historic Resources Mitigation Plan.**

**Geologic Hazard Area Mitigation Plan.**

**Land Disturbance Mitigation Plan.**

**Natural Resources Mitigation Plan.**

**Recreational Activity Mitigation Plan.**

**Scenic Attributes and Rural Character Mitigation Plan.**

**Surrounding Land Uses Mitigation Plan.**

**Wetlands Protection Plan.**



# REVIEW STANDARDS (EXP.)

## Review Standards

### **Air Quality Mitigation Measures - Section 20-602(A)**

1. 98% VOC destruction or control efficiency
2. Flare and Combustion Devices
3. Fugitive Emissions
4. Use of Closed Loop Pitless System
5. Green Completions
6. Capture of Produced Gas (vs. flaring or venting)
7. Pneumatic controllers
8. Maintenance During Well Blowdowns
9. Maintenance of Gathering Lines and Pipelines
10. Rod-packing Replacement
11. Certification

### **Emergency Response - Section 20-602(B) / Section 20-703(D)**

### **Water Quality Monitoring and Well Testing - Section 20-602(C)**

1. Abandoned Well Assessment
2. Water Well Sampling

### **Transportation, Roads, Access Standards, and Fees - Section 20-602(D)**

- Compliance with Transportation Standards.
- Applicable transportation fees prior to issuance of a DPR permit (in lieu of public road transportation impact study and mitigation plan).



# REVIEW STANDARDS (STD.)

## **Review Standards**

**Agricultural Land Standards - Section 20-703(A)**

**Air Quality Standards - Section 20-703(B)**

1. 98% VOC destruction or control efficiency
2. Flare and Combustion Devices
3. Fugitive Emissions
4. Certification

**Cultural and Historic Resource Standards - Section 20-703(C)**

**Emergency Response - Section 20-703(D)**

**Geologic Hazard Area - Section 20-703(E)**

**Land Disturbance Standards - Section 20-703(F)**

**Natural Resource Standards - Section 20-703(G)**

**Recreational Activity Standards - Section 20-703(H)**

**Scenic and Rural Character Standards - Section 20-703(I)**

**Surrounding Land Uses Standards - Section 20-703(J)**

**Transportation - Section 20-703(K)**

- Compliance with Transportation Standards.
- Applicable transportation fees prior to issuance of a DPR permit
- Compliance with Multi-modal Transportation Standards

**Water Quality Standards - Section 20-703(L)**

**Wetlands Protection Standard - Section 20-703(M)**



# DETERMINATION (STD V. EXP.)

## **Post-approval**

**General Oil and Gas Facility Operational Requirements – Section 20-703(N)**  
Section 20-800 Conditions of Approval

**Other conditions of approval specific to the Standard review**

## **Determination**

**General Oil and Gas Facility Operational Requirements – Section 20-703(N)**  
Section 20-800 Conditions of Approval





Boulder County  
Land Use Department



# BCCP GOALS TRANSLATED TO PROPOSED REGULATIONS

## August 22 Joint BOCC/PC Study Session:

- Agricultural land preservation
- Baseline data
- Emergency Response
- Greenhouse gas emissions
- Impacts on Agricultural lands, including restoration and reclamation
- Impacts on environmental resources
- Operator engagement with local residents and stakeholders
- Monitoring
- Noise
- Setbacks from residences and schools
- Setbacks from water
- Surface agreements potentially enforceable through the Land Use Code
- Shared Infrastructure
- Transportation Standards

