



Land Use

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BOULDER COUNTY
BOARD OF COUNTY COMMISSIONERS
June 4, 2019 - 11:00 AM
Hearing Room, Third Floor
Boulder County Courthouse

STAFF: Dale Case, Land Use Director

Authorization of Docket DC-19-0002, Proposed Boulder County Land Use Code Text Amendments related to Article 12 (Oil and Gas Regulations)

Authorization of Land Use Code text amendments to amend Article 12 (Oil and Gas Regulations) and companion changes to the Land Use Code

Public Testimony will not be taken – Action Requested

DISCUSSION

The Planning Commission or the Board of County Commissioners must authorize text amendments to the Land Use Code (Art. 16-100.A). Staff is requesting the Board authorize text amendments to Article 12 of the Land Use Code in light of SB19-181 (Protect Public Welfare Oil and Gas Operations), which was signed into law on April 16, 2019.

SB19-181 prioritizes the protection of public safety, health, welfare, and the environment in the regulation the oil and gas industry by modifying the oil and gas statute and by clarifying, reinforcing, and establishing local governments' regulatory authority over the surface impacts of oil and gas development. The bill granted additional authority to local governments to regulate oil and gas development. Specifically, it clarified that local governments have land use authority to regulate the siting of oil and gas locations to minimize adverse impacts to public safety, health, welfare, and the environment and to regulate land use and surface impacts, including the ability to inspect oil and gas facilities; impose fines for leaks, spills, and emissions; and impose fees on operators or owners to cover the reasonably foreseeable direct and indirect costs of permitting and regulation and the costs of any monitoring and inspection program necessary to address the impacts of development and enforce local governmental requirements.

Staff intends to work on changes to the current set of oil and gas regulations as time and resources allow. Staff is currently working on a number of amendments to the Land Use Code and planning projects. It is anticipated this project will take significant staff time from multiple departments. In addition, the timing will be somewhat dependent on outcomes from the State (COGCC) rulemakings that will occur over the next two years, given that involvement in the state rulemaking processes will involve the same county staff that will lead the Art. 12 update and since the resulting rules from the COGCC's proceedings may inform our local review.

No public hearings have yet been scheduled to review the subject changes that will be proposed; however, there will be opportunity for the public to provide input during the revision process. Land Use will update the County Oil and Gas website

Deb Gardner County Commissioner **Elise Jones** County Commissioner **Matt Jones** County Commissioner

(<https://www.bouldercounty.org/property-and-land/land-use/planning/oil-gas-development/>) with the schedule as the project proceeds and hearings will be legally noticed.

Staff requests the Board of County Commissioners authorize staff to pursue the text amendments to the Boulder County Land Use Code.