



Oil & Gas Focus Group (Meeting 3 of 5)

June 5, 2019

Meetings Overview

- Meeting 1 (April 24)
 - Introduction / Overview of Oil and Gas
- Meeting 2 (May 22)
 - Best Management Practices & Potential LDC changes
- Meeting 3 (June 5)
 - Additional BMP Discussion and zoning
- Meeting 4 (June 19)
 - Enforcement and Process
- Meeting 5 (June 26)
 - Rulemaking topics with COGCC / wrap up

Scope of Focus Group and Intentions

- Focus group established for the sole purpose of providing non-binding input to City Staff regarding legislative efforts, both within the city and at the state level
- The focus group will not take formal positions
- City staff will report or summarize the input of the focus group
 - Intended to be a listening session



Land Development Code Updates

- Following the final focus group meeting, staff will take the feedback from the group that was generated, and begin the process of drafting LDC amendments.
- Multiple stakeholder participation meetings, meetings with the general public, and study sessions with Planning Commission and city council would be conducted as part of this process before any changes are adopted.
- Potential draft ordinance(s) could be generated around late August / September for consideration.



Potential LDC Changes from SB-181



Potential LDC Changes

1) Best Management Practices

- Codify the BMPs as standards in the LDC or as mandatory provisions in an extraction agreement
- Replace current sections that are less stringent than negotiated BMPs

2) Zoning

- Classify Oil & Gas Operations as an industrial use
- Disallow well pads from certain zone districts, e.g. residential, commercial
- Enhance land use regs to fully account for impacts

Potential LDC Changes

3) Enforcement

- Add fines and other enforcement tools related to operational and BMP infractions
- Restate inspection authority

4) Process

- What hearing bodies should review Oil & Gas Permits?





Best Management Practices



BMP Discussion

- Of the BMP's described previously, which would be most critical to include within a Land Development Code Update?
 - Air quality monitoring
 - Water quality & the waste process
 - Reclamation
 - Required notice
- Are there any BMP's you think should *not* be included in a code update?
- Are we missing any BMP topics? If so, what and why?
 - Mapping of fault lines to assess earthquake risk
 - # of inspectors per wells
 - Community engagement
 - Greater fee assessments
 - Pipeline durability, maintenance and care
 - Reverse setbacks
 - Cumulative impacts





Zoning

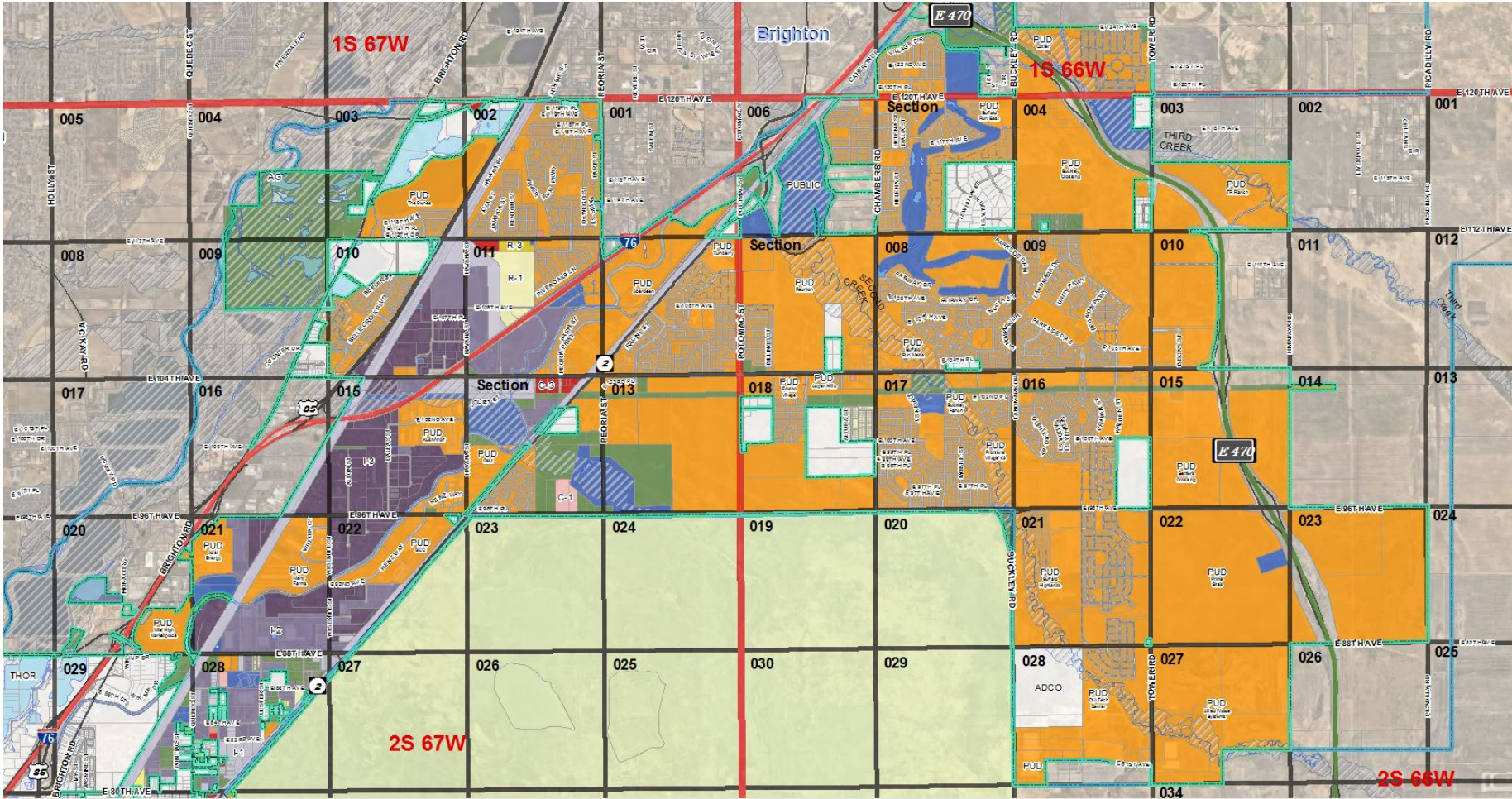


SB-181 Impacts on Commerce City

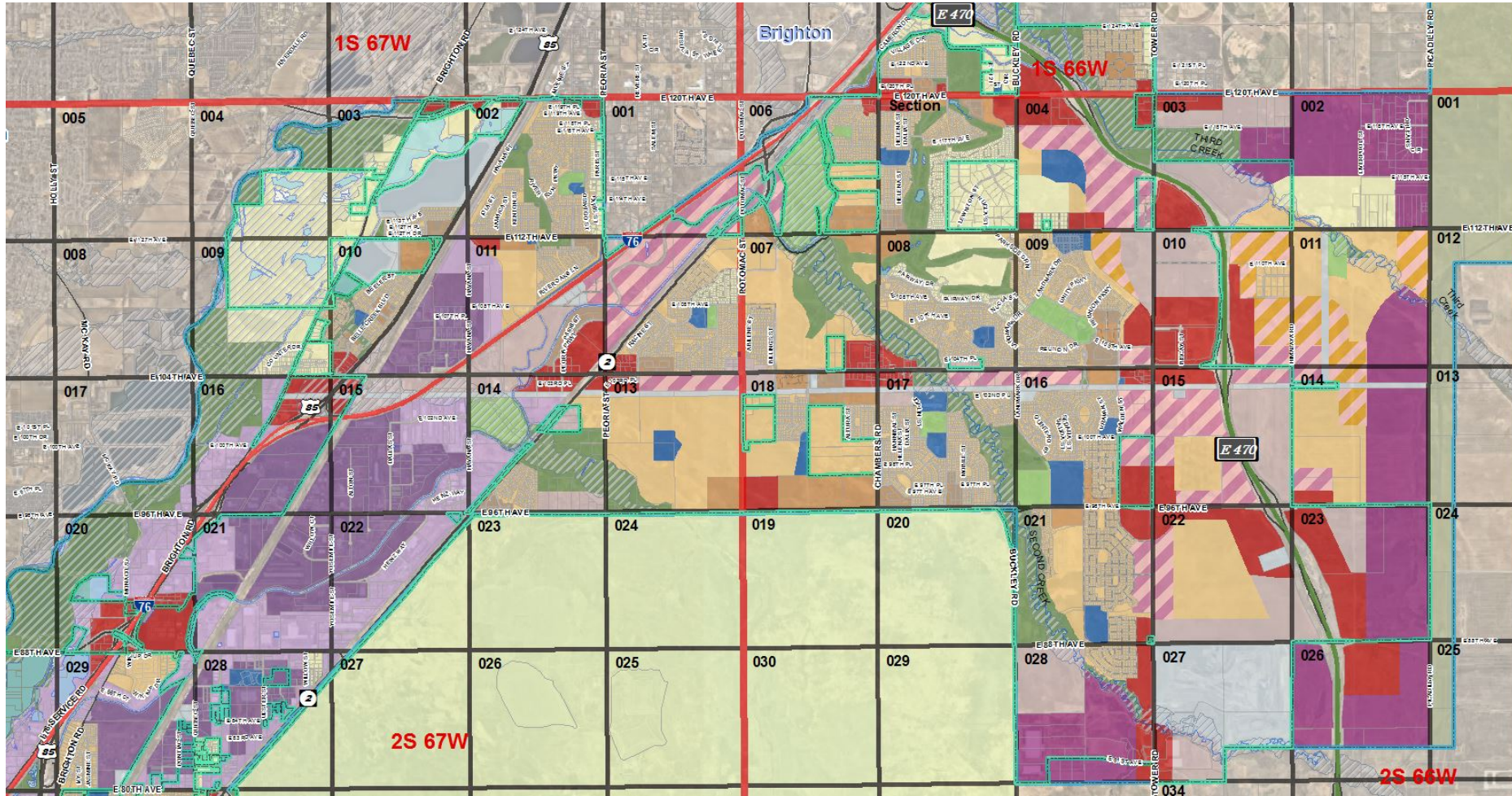
- SB-181 modified **C.R.S. §§ 29-20-104**
 - Allows for the city to further regulate surface locations through police powers: zoning and land use controls
- Prior to SB-181, local governments were pre-empted from using zoning authority to regulate surface use of well sites
- Currently Unclear:
 - Whether zoning regulations (whether intentional or not) may prevent operators from accessing certain mineral rights
 - Will most likely be decided in court



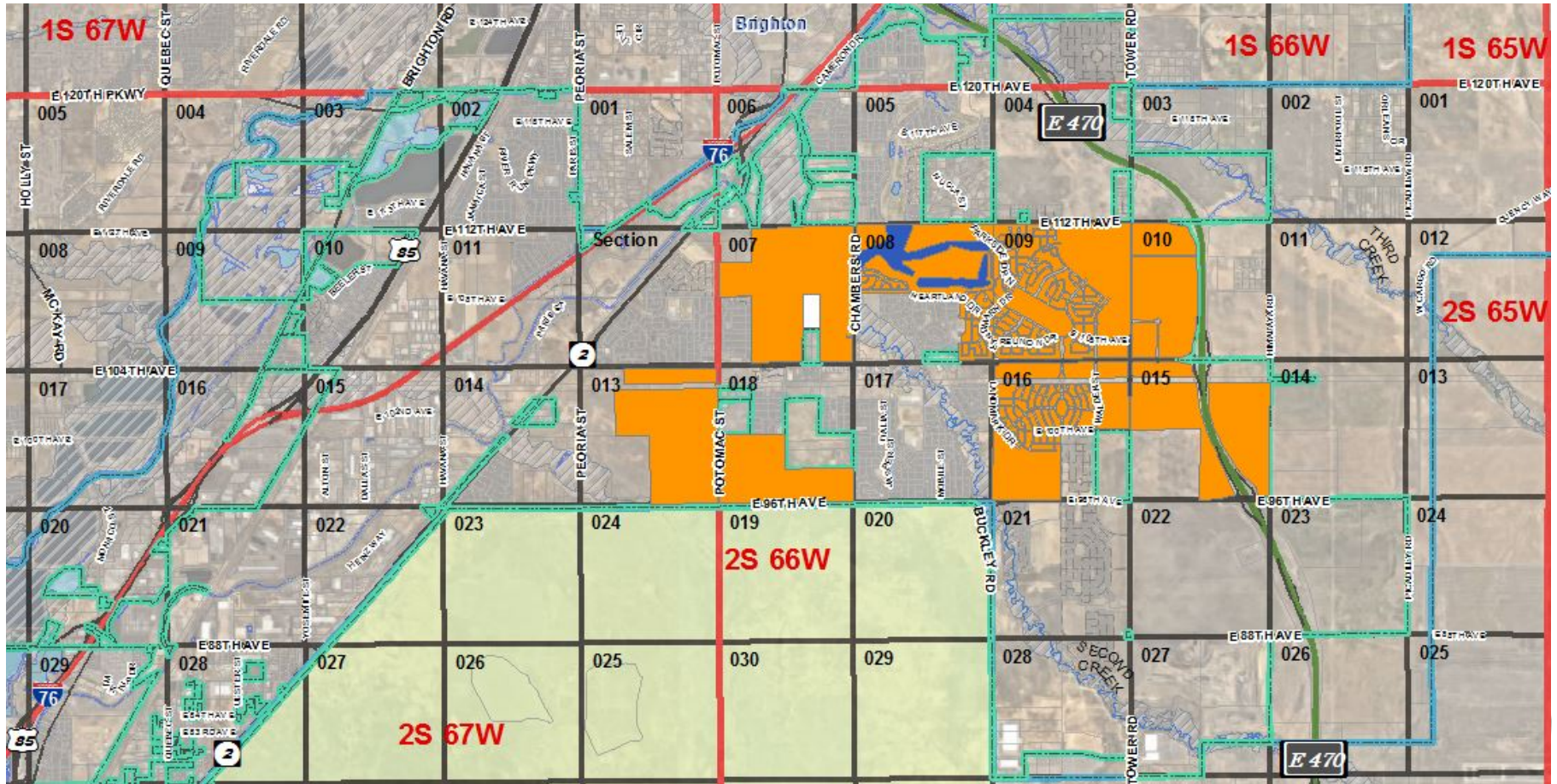
Zoning Map



Future Land Use Map



Reunion Map



Exercise and Discussion

- Which zone districts should allow oil and gas well pad sites?
- Should a setback be included for certain uses ? If so, from what land uses and why?



Focus Group Next Steps

- June 26, Session #3: Follow-up on Zoning, and future rulemaking topics with COGCC
- Reading Materials