

La Plata County Natural Resources Land Use Code

Garfield County Energy Advisory Board
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Overview Of Presentation

1. History of La Plata County (LPC) Code
2. Type of Facilities and Permits
3. Key Components of Current Code
 - Use of Existing Infrastructure
 - Setbacks
 - Legal Non-Conforming Uses
 - Siting and Visual Mitigation
 - Ranked Standards
4. Variances and Appeals
5. Emergency Management Coordination



History of La Plata County Natural Resources Code

- December 1988 first code related to Oil and Gas was adopted
 - Surface Impacts to landowners
 - Impacts to county roads

- 1996 and 2001 language added to address:
 - Sound emission decibel levels
 - Emergency Preparedness Plan
 - Environmental quality standards
 - Notice to adjacent landowners within ¼ mile
 - Appeal of administrative decision extended to noticed adj. landowners
 - Wildlife (very basic)



History of La Plata County Natural Resources Code

- 2005 – Memorandum of Understanding (MOU)
 - Between major operator and LPC to address impacts of 80-Acre Infill Wells

 - Key Components
 - Use of existing infrastructure
 - Electrification if well within ¼ mile of electrical source
 - Water well testing (now COGCC rule 608)
 - Soil vapor gas surveys around P&A'd wells
 - Coordination and planning with road and bridge dept.



History of La Plata County Natural Resources Code

- 2008 - major revision to code language
 - Primary need - Implement 2005 MOU provisions
 - Additional issues addressed
 - Residential setback measurement changed
 - Pipeline setbacks
 - Wildlife
 - Revegetation standards
 - Chemical Inventory and Pit regulations, back-up for state standards



History of La Plata County Natural Resources Code

- 2010 Technical Revisions
 - Industry-Requested Revisions
 - Permit duration
 - Reclassification process for water transfer stations
 - Modified electrification requirement to specify 3-phase power availability
 - Staff-Initiated Revisions
 - Submittal requirements – ie: BMP plan (in coord. with industry)
 - Adjacent Landowner noticing for pipelines
 - Access road standards
 - Wildlife Standard Operating Procedures
 - Clarification of Variance / Appeal Processes
 - Administrative decision appeals – one rather than two “ranked std”
 - Special exception process – directly to BOCC



Facility Types: Minor Facilities

- Production Wells
- Gathering Lines
- Temporary Storage Yards
 - Less than 6 months
- Water Pump Stations
 - In some cases
- Internal combustion engines less than 200 bhp
 - Cumulative bhp on the site



Facility Types: Minor Facilities with Special Mitigation Measures

- Minor facilities that do not meet code provisions
 - e.g. setbacks
- Continuous drilling/completion activities
 - Lasting longer than 6 weeks



Facility Types: Major Facilities

- Centralized facilities serving multiple well pads
 - Injection wells
 - Central Delivery Point (CDP) Stations
 - Water Transfer Stations
 - Water Pump Stations
- Permanent Storage Yards
- Internal combustion engines greater than 200 bhp
- Pipelines for which Power of Eminent Domain is exercised



Permit Process: Minor Facilities

- Minor Facility Permits
 - Administratively approved
 - Approved or denied within 15 business days of application submittal
 - Permit issued within 15-21 business days
 - Unless extension agreed to resolved complex siting or other issues



Permit Process: Major Facilities

- Major Facility Permits
 - Require Planning Commission and Board of County Commissioner approval
 - Follow the Class II permit process
 - Required for commercial operations within Land Use Code
 - Primary components
 - Demonstration of adequate and safe access
 - Demonstration of compatibility with neighborhood / location
 - Allows for full range of agency comments
 - Typically take between 3 months to 1 year



Use of Existing Infrastructure

- Background
 - In 2005, major operator filed the first 80-acre density infill application with the COGCC for CBM wells inside La Plata County.
 - Operator and LPC entered into Memorandum of Understanding (MOU) to address impacts from 80-acre infill wells
 - Similar MOU in place with all subsequent operators
 - 2008 and 2010 code revisions reinforcing and strengthening use of existing infrastructure



Use of Existing Infrastructure

- Using existing infrastructure reduces disturbance and impacts from additional roads, pipelines and well pads
- Operators may request exceptions to expanding existing well pads based on factors that would prohibit expansion of an existing well pad:
 - Topographic characteristics
 - Natural resource constraints (ie: wetlands, archeology)
 - Proximity to homes
 - Location of utilities
 - Insurmountable technical (downhole) issues
 - Other site conditions beyond control of the applicant
 - Safety issues



Setbacks

- Current
 - 450' from wellhead to residence
 - 150' from wellhead to property boundary
- Past
 - 400' from edge of well pad to residence
 - 150' from edge of well pad to property boundary
- Legal non-conforming use language essential
 - See following discussion



Setbacks in Other Counties

Archuleta County

- 450' from wellhead to residence, 150' from wellhead to property line

Las Animas County

- Visual mitigation needed if well is:
 - Within 300' of a residence
 - Within 1,000' of a public building
 - Within 200' of a county road

Delta County

- 200' from a subdivision

Montezuma County

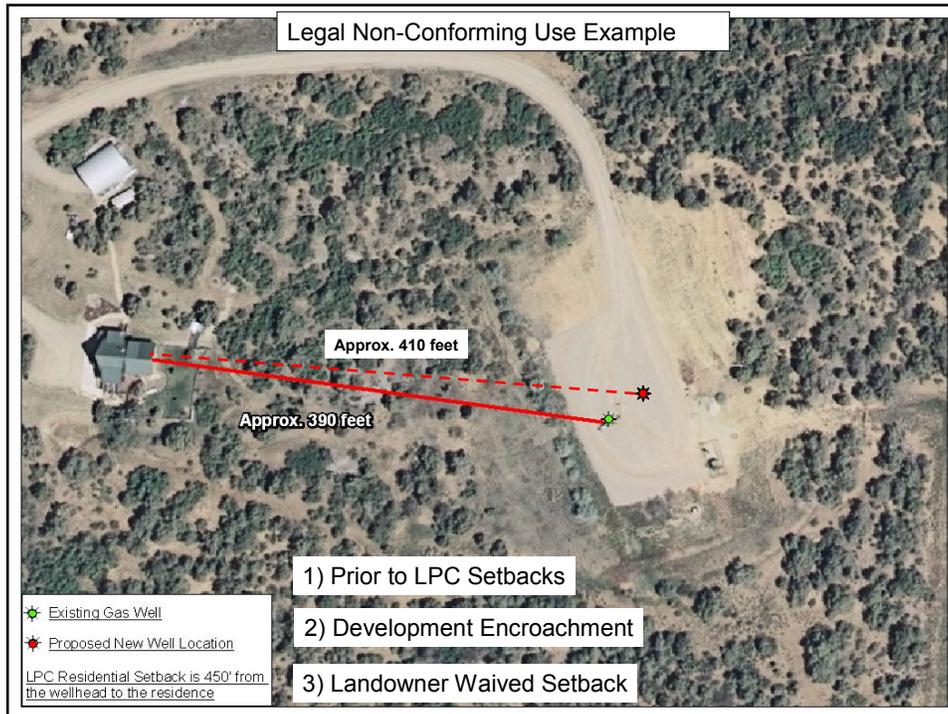
- 50' pipeline setbacks from buildings



Legal Non-Conforming Use

- Legal Non-Conforming Use language was added to the code to prevent conflicts with the code setback provisions and the use of existing infrastructure policy/code provisions.
- Allows new wells to be placed on existing well pads, even if the new well will be located less than 450' from a residential structure, if the existing well was:
 - Drilled prior to LPC setback requirements
 - Development has encroached upon the existing well site
 - If a landowner waived the setback requirement
- New well must be placed further away from residences than the existing well. (if closer than 450')





Siting and Visual Mitigation

- Siting to minimize visual impacts
 - To adjacent landowners
 - County viewsheds
- Consideration of drainage patterns
- Minimize disturbance to vegetation
- Reveg of interim reclamation area
- Paint in non-contrasting colors
- Low profile equipment



Ranked Standards

- Prioritizes standards related to well siting
- Stated in order of descending importance
- Staff reviews permit applications to be in accordance with the ranked standards
- The BOCC is the only entity that can re-rank the standards



Ranked Standards

The 10 Ranked Standards are as Follows:

1. Use of existing infrastructure
(well pads, roads, pipeline corridors)
2. Adherence to setbacks
3. Minimization of impact to residences and buildings
4. Minimization of impact to agriculture
5. Minimization of cut and fill
6. Use of natural screening
7. Siting at the base of slopes.
8. Siting to avoid silhouetting (i.e. avoid ridges/hills)
9. Siting away from prominent distinctive landforms.
10. Provisions of any existing surface use agreements



Appeal and Variance Process

Appeal -

- Staff uses the Ranked standards to review permits.
- Operators and Landowners (within the notice area) can appeal an administrative decision to the BOCC.
- BOCC can re-rank the standards for that specific permit.

Variance –

- If operators cannot meet certain performance standards outlined in the code, a variance request can be heard before the BOCC.
- Operators still go through the minor facility process.



Coordination with Office of Emergency Management

- Operators required to submit an Emergency Preparedness Plan to Office of Emergency Management (OEM)
- Risk analysis may be requested for proposed pipelines near residential structures
- On a volunteer basis, operators additionally
 - Submit GIS shapefiles of pipeline locations to OEM (held confidentially)
 - File rig movement forms to OEM



Questions?

