

Item	Stakeholder Feedback/Concerns	How has Staff addressed feedback/concerns?
General Comment	Proposed regulations do not exercise the full authority granted through SB-181.	<p>Current proposed regulations codify Council direction to use zoning and setback standards to limit potential future oil and gas development. Regulations proposed do address development review processes for approvals, but do not address operational standards for active wells, or provide updates to reverse setback standards.</p> <p>Staff also received Council direction at 10/25 Work Session to update reverse setback standards. These updates are expected to be considered in early 2023.</p>
Draft Code Language (v1)	<p>Public outreach and Council discussions to date only included policy questions and Council feedback. The translation to actual proposed code language was not published until 11/8/2022.</p> <p>Concern is that this does not allow enough time for meaningful public feedback on code language before first reading, originally scheduled for 12/6/2022.</p>	The first reading was originally scheduled for 12/7/2022 and rescheduled to 12/20/2022, in part to accommodate the request from stakeholders to send feedback directly to Council.
Revised Draft Code Language (TBD)	<p>Staff has already proposed some revisions to draft code in response to concerns, and these were presented and discussed at a 11/17/22 Planning and Zoning Board Hearing. These revisions to code are not currently slated to be published for textual review and consideration until after first reading on 12/20/2022.</p> <p>Concern is that this will not allow enough time for meaningful feedback on code revisions if a 2nd reading proceeds as anticipated on 1/3/2023.</p>	Version 2 of the draft regulations address stakeholder feedback received between October and December 2022.
Introducing Oil and Gas Facilities as a Defined Use	Concern was raised about adding oil and gas facilities proposed to be included as a defined use.	In order to regulate oil and gas facilities, the use and a process for approvals has been defined in the code language.
Zoning and Setback Requirements	<p>As discussed in previous Council Work Sessions, Zoning and Setbacks are the primary tools proposed to limit the potential for new development. With current zoning, these requirements preclude additional development.</p> <p>Concern was raised about possibility of Additional Permitted Use (APU) and annexation to potentially allow surface use for development if a new oil and gas formation</p>	The proposed code language excludes the use of "Modification of Standards" for setback requirements.

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Pipelines	Per draft language, there was a concern that Oil & Gas pipelines were included as an allowed use in all zoning districts.	<p>Pipelines are used to transfer oil, gas or produced water between a wellhead and processing equipment to a load point or point of delivery. To the maximum extent feasible, oil and gas pipelines are preferred over transport by vehicles.</p> <p>The P&Z Commission has recommended a modification that restricts oil and gas pipelines would not be allowed within public open lands or residential zone districts, including, mixed use neighborhoods and residential zoning.</p>
Development Review Process	Concern was raised about the amount of Director discretion proposed in Development Review Process.	Based on stakeholder feedback, proposed updates will subject Oil and gas developments, including pipelines, to a Planning and Zoning Commission Review (Type 2). This removes staff discretion to waive certain requirements and makes the P&Z Commission the final decision maker.
Financial Assurances	The code fails to address Financial Assurance guarantees.	<p>In April 2022, the COGCC adopted new financial assurance requirements, including bond requirements to ensure appropriate plugging and abandonment, increased bonds for low producing wells, and the ability for local governments to request wells to be plugged that are no longer used or useful.</p> <p>City and County are exploring new authority to request wells be plugged and abandoned that are no longer used or useful.</p>
Plugging and Abandonment	The P&A of wells, the abandonment of pipelines, and the decommissioning of any O&G facility the plugging and abandonment of O&G facilities are subject to only a Basic Development Review (BDR).	The Proposed Code seeks to incentivize plugging and abandonment of wells by reducing the administrative burden to a Basic Development review as opposed to a type 2 planning and zoning review.