

**RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON PROCESSING OIL  
AND GAS DEVELOPMENT APPLICATIONS**

WHEREAS, in 2019 the Board of County Commissioners of Larimer County ("Board") adopted a new Comprehensive Plan for unincorporated areas of Larimer County; and

WHEREAS, following adoption of the Comprehensive Plan Larimer County Staff began developing amendments to the Larimer County Land Use Code ("Code") to carry out the intents and purposes of the new Comprehensive Plan; and

WHEREAS, amendments to the Code for oil and gas activities remain incomplete and continue to be developed and evaluated by County Staff and the Board; and

WHEREAS, on April 16, 2019 Governor Polis signed Senate Bill 19-181 which significantly modified oil and gas regulation in Colorado, and

WHEREAS, SB 19-181 modified the Oil and Gas Conservation Act, C.R.S. §§ 34-60-101 et seq., the Local Government Land Use Control Enabling Act, C.R.S. §§ 29-20-101 et seq., and other relevant statutes. 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 minimize adverse impacts to public safety, health, welfare, and the environment and to regulate land use and surface impacts, including the ability to: regulate the siting of oil and gas locations; regulate noise, odor and vibration from oil and gas facilities; 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 regulating, monitoring and inspection programs, and enforcing local governmental requirements;

WHEREAS, the Colorado Oil and Gas Conservation Commission has only recently completed significant rulemaking processes and adopted new rules to implement SB 19-181, and

WHEREAS, certain of the new COGCC rules conflict with oil and gas provisions in the Larimer County Land Use Code, and

WHEREAS, Larimer County is considering expanding its regulation of oil and gas activities to include seismic surveys used for the exploration of oil and gas, and

WHEREAS, the Board reasonably anticipates that applications for new oil and gas development may be filed in Larimer County within the coming months; and

WHEREAS, oil and gas operations have the potential for significant and immediate impacts on the health, safety, and welfare of residents of Larimer County; and

WHEREAS, Larimer County's Oil and Gas regulations have the potential for significant, immediate, and broad impacts on the environment, natural resources and public recreation areas of Larimer County; and

WHEREAS, the Board finds that urgency exists and that this resolution is necessary for the immediate preservation of the public health, welfare, and safety of the present and future inhabitants of Larimer County; and

WHEREAS, the Board needs time to study and better understand the extent of its oil and gas authority and how local land use regulations could complement the new COGCC rules that took effect on January 15, 2021;

WHEREAS, on March 16, 2021, the Board voted unanimously to approve a Moratorium on applications for Oil and Gas Facilities, and scheduled a hearing for Tuesday, April 13, 2021 at 3:30 to discuss whether to extend, let expire, or otherwise modify the Moratorium, and

WHEREAS, the Board finds that extension of the Moratorium is necessary to preserve the status quo in Larimer County and allow a reasonable time to consider existing and additional oil and gas regulations in the Code, and disincentivize a rush to develop property and construct projects to avoid impending Code amendments; and

WHEREAS, the Board has authority to plan for and regulate the use of land pursuant to the Local Government Land Use Control Enabling Act, C.R.S. §29-20-101, *et seq.*; C.R.S. §30-11-101(2) concerning the adoption and enforcement of resolutions and ordinances regarding health, safety and welfare issues as otherwise prescribed by law; C.R.S. §30-11-107 concerning powers of Boards of County Commissioners; C.R.S. §30-28-115 concerning the promotion of health, safety, convenience, order and/or welfare of the community through land use regulations; and other applicable state and feral statutes and common law grants of authority to best protect and promote the health, safety, and general welfare of the present and future inhabitants of Larimer County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Larimer County that:

1. Effective April 13, 2021 , the Moratorium shall be extended such that Larimer County shall not accept or process any submissions or engage in any pre-submission processes under any article of the Larimer County Land Use Code, either as currently or previously adopted, related to, Oil and Gas Facilities.
2. This Moratorium is extended to, and hereby prohibits, any new seismic surveys within Larimer County that were not commenced, through the use of vibroseis equipment, explosive charges, or other equipment used to generate a seismic vibration, prior to the effective date of this Moratorium;
3. This extended Moratorium is effective in all of unincorporated Larimer County.
4. This extended Moratorium expires on September 15, 2021 unless sooner repealed or extended by further resolution of the Board.

Signed this \_\_\_\_ day of April, 2021 and effective on April 13, 2021.

**BOARD OF COUNTY COMMISSIONERS  
LARIMER COUNTY, COLORADO**

By:   
Chair

ATTEST:

  
Deputy Clerk

Approved As-To Form

  
County Attorney

