

**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 only recently completed significant rulemaking processes and adopted new rules to implement SB 19-181, and

WHEREAS, some of the new COGCC rules conflict with oil and gas rules in the Larimer County Land Use Code, 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, the Board finds that urgency exists and that this resolution is necessary for the immediate preservation of the public health, welfare, or 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, the Board finds that a temporary moratorium is necessary to preserve the status quo in Larimer County and allow a reasonable time to update 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 Immediately, Larimer County shall not accept or process any submissions or engage in any pre-submission processes under Article 17, Oil and Gas Facilities, of the Code.
2. This moratorium is effective in all of unincorporated Larimer County.
3. This moratorium expires on April 15, 2021 unless sooner repealed or extended by further resolution of the Board.
4. The Board will hold an opening meeting to allow public comment on the merits of the temporary moratorium imposed by this resolution and to determine whether the moratorium should be terminated, extended, or otherwise amended. The hearing will be held on Tuesday, April 13, 2021 at 3:30 pm in the Board's public Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins, Colorado 80522. Notice of this hearing

shall be published in a newspaper of general circulation in Larimer County at least 14 days prior to the hearing date.

Adopted this 16th day of March, 2021.

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

By: John Kafalas
Chair

ATTEST:

Elizabeth L. Fort
Deputy Clerk



Approved As-To/Form:
Frankie [Signature]
Asst. County Attorney