

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ADOPTING A TEMPORARY MORATORIUM FOR APPLICATIONS
FOR OIL AND GAS DEVELOPMENT IN UNINCORPORATED ADAMS COUNTY

WHEREAS, the Adams County Development Standards and Regulations, which are enacted to protect the health safety and welfare of the citizens of Adams County, contain provisions for the regulation of oil and gas development in the unincorporated areas of Adams County; and,

WHEREAS, the County's current oil and gas regulations were developed in accordance with the County's understanding of the scope of local regulatory authority under Colorado law at the time that the regulations were adopted; and,

WHEREAS, Proposition 112 is on the ballot to be voted on by Colorado voters in the November 6, 2018 general election; and,

WHEREAS, if passed, Proposition 112 would create a statewide minimum distance requirement for new oil and gas development, and, in connection therewith, change existing distance requirements to require that any new oil and gas development be located at least 2,500 feet from any occupied structure and any "vulnerable area" designated for additional protection; and,

WHEREAS, if passed, Proposition 112 would authorize the state or a local government to increase the minimum distance requirement for new oil and gas development from structures and "vulnerable areas"; and,

WHEREAS, if passed, Proposition 112 would significantly impact oil and gas regulations at the State and local level and would significantly increase the authority of local governments to regulate oil and gas development; and,

WHEREAS, Adams County is committed to fairness in its regulation of oil and gas development and wants to ensure that there is no unfair advantage to applicants who might apply under current regulations in the weeks between now and the date that potential changes in the law when Proposition 112 becomes effective; and,

WHEREAS, Adams County is committed to protecting the health, safety, and welfare of its citizens and wants to ensure that Adams County residents are afforded the benefits of the application of the changes in the law under Proposition 112 if it passes; and,

WHEREAS, there is real potential for oil and gas developers to rush to submit local government applications immediately before the vote on Proposition 112 and during the time period between passage of Proposition 112 and its effective date; and,

WHEREAS, with the potential that the law regarding oil and gas development and the authority of local governments to regulate oil and gas might change, the County needs time to evaluate the changes in the law and changes that might be necessary in the County's development standards and regulations as a result of those changes; and,

WHEREAS, the County reasonably anticipates that applications for new oil and gas development may be filed in the coming weeks before the Board of County Commissioners has the opportunity to consider the outcome of the election and the potential impacts of Proposition 112 and to determine whether changes to local regulation are necessary; and,

WHEREAS, if applications requesting approval of oil and gas development are submitted prior to the County having adequate time to conduct the appropriate evaluations of the impact of Proposition 112 and potential changes to local regulation, the Board of County Commissioners believes irreparable harm may be done to the public health, safety and welfare; and,

WHEREAS, the timing of election result certification and potential date of effectiveness of the changes in the law created by Proposition 112 are not definitively known; and,

WHEREAS, the County anticipates that it will have more information about whether Proposition 112 has passed and its potential date of effectiveness by the end of November; and,

WHEREAS, Colorado law recognizes that in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo while developing a plan for land use regulation in a particular area; and,

WHEREAS, the Board of County Commissioners believe that a temporary moratorium of a short duration will accomplish the goal of ensuring fair and reasonable regulation of oil and gas regulation while contemplating potential changes in the law; and,

WHEREAS, the Board of County Commissioners further determines that it will revisit the issue of a temporary moratorium after the November 2018 election and will consider whether additional time for analysis and adoption of regulations is required.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Adams County, that a temporary moratorium for oil and gas development in unincorporated Adams County shall be immediately effective and shall continue until November 30, 2018 or until further action of the Board.

BE IT FURTHER RESOLVED that staff is directed to immediately stop accepting applications for oil and gas development in Adams County, regardless of the form of application, and to inform developers of the passage of this temporary moratorium.