

RESOLUTION 2016-130

Extending the Temporary Moratorium First Enacted by
Resolution 2016-65 on an Emergency Basis.

Recitals

A. The temporary moratorium enacted on May 19, 2016, on processing oil and gas development applications expires November 18, 2016. The Board of County Commissioners (the "Board") established the moratorium to allow time for staff to formulate and present for public review necessary amendments of current land use and environmental regulations governing oil and gas development.

B. During the moratorium period, County staff accomplished the following: consultation with technical experts, industry representatives, state permitting agencies, County departments, and members of the public; County Planning Commission review in a public hearing and a public meeting; and drafting of amended and updated oil and gas regulations for presentation to the Board.

C. Staff presented amended and updated oil and gas regulations to the Board at a public hearing on November 15, 2016.

D. Following input from staff and the public at the November 15, 2016, hearing, the Board gave staff direction to further inquire into and develop amendments to the proposed regulations. The Board directed staff was directed to research and provide responses for Board review in numerous areas, including but not limited to the following: financial statements, bonding, and other financial assurances of performance for safe operation, clean-up of spills or other environmental contamination, and post-production reclamation; further environmental quality testing of air, water and soil, including baseline testing and more extensive testing and monitoring during production; requirements for management of produced water and other waste; economic analysis of disruption payments to landowners affected by drilling and construction; and leak detection technology for pipelines.

E. Staff will be unable to conduct the requested research or draft appropriate regulatory amendments before the expiration of the moratorium on November 18, 2016. Accordingly, the Board voted to extend the existing moratorium on an emergency basis until the end of January, 2017, so that a public hearing could be set to determine the status of the moratorium. The Board requested that staff find a date for the public hearing and determined that only written public comments will be accepted for that hearing. Finally, the Board determined it would consider a formal written resolution regarding the moratorium extension at the public meeting scheduled November 17, 2016.

NOW, THEREFORE, the Board resolves:

1. The temporary moratorium enacted by Resolution 2016-65 is extended on an emergency basis.
2. An emergency extension of the temporary moratorium is reasonable and necessary to protect the public health, safety, and welfare of the County and prevent irreparable harm. The purpose of the moratorium is to allow time to finalize necessary amendments to current County land use and environmental regulations governing oil and gas development in unincorporated areas.

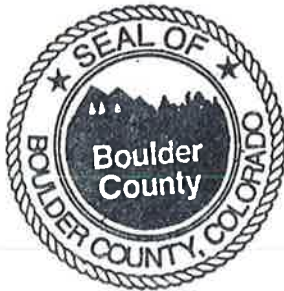
3. The Board shall consider whether to terminate or further extend the moratorium at a duly noticed public hearing on December 13, 2016, at 11:30 AM. The Board will consider all written comments received prior to the public hearing and will not take verbal testimony during the hearing.

4. The Board requests that staff present at the December 13, 2016, hearing an estimate of time it will need to develop amendments to the proposed regulations according to the requests made by the Board at the November 15, 2016, public hearing.

A motion to this effect was made at the November 17th, 2016 public meeting by Commissioner Gardner, seconded by Commissioner Domenico, and passed by a 3-0 vote of the Board.

ADOPTED on this 17th day of November, 2016, nunc pro tunc November 15, 2016.

BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY:



A handwritten signature in blue ink, appearing to read "Elise Jones", written over a horizontal line.

Elise Jones, Chair

A handwritten signature in blue ink, appearing to read "Cindy Domenico", written over a horizontal line.

Cindy Domenico, Vice Chair

A handwritten signature in blue ink, appearing to read "Deb Gardner", written over a horizontal line.

Deb Gardner, Commissioner

ATTEST

A handwritten signature in blue ink, appearing to read "Wade Ryder", written over a horizontal line.

Clerk to the Board