

**MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2018 BCC 11

A RESOLUTION EXTENDING A TEMPORARY MORATORIUM ON MORGAN COUNTY'S PROCESSING OF APPLICATIONS FOR PROPOSED INJECTION WELLS USED FOR THE STORAGE OR DISPOSAL OF EXPLORATION AND PRODUCTION WASTES AND OTHER OIL AND GAS WASTE AND PROPOSED FACILITIES TO TREAT WASTE FROM OIL AND GAS OPERATIONS IN ALL UNINCORPORATED PORTIONS OF MORGAN COUNTY PENDING CONSIDERATION OF AMENDMENTS TO COUNTY REGULATIONS

WHEREAS, on August 21, 2017, the Board of County adopted a moratorium on the applications for proposed injection wells used for the storage or disposal of exploration and production ("E&P") wastes and other oil and gas waste and proposed facilities to treat waste from oil and gas operations in Morgan County;

WHEREAS, the County adopted the moratorium pursuant to its land use authority under the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 *et seq.*, which provides the County with the broad authority to plan for and regulate the use of land in order to provide for orderly development while balancing the health, safety and welfare of its citizens;

WHEREAS, the Board believes it has the responsibility to its residents to plan for and regulate the use of land for the purposes laid out in the Local Government Land Use Control Enabling Act as well as those purposes specified in other applicable state and federal statutes and common law grants of authority, and to promote the health, safety and general welfare of its residents;

WHEREAS, on November 21, 2017, the Board amended the moratorium by limiting its application to only commercial disposal well facilities, as defined by the Morgan County Zoning Regulations;

WHEREAS, since the imposition of the moratorium, the Board has held several stakeholder meetings to gather information to guide its decisions and the public regarding oil and gas regulations and County staff has been consistently working on draft regulations of oil and gas operations including commercial disposal well facilities;

WHEREAS, the current moratorium, as amended on November 21, 2017, is scheduled to expire on February 21, 2018;

WHEREAS, the County requires additional time to draft regulations for oil and gas operations and to adopt regulations through the required process;

WHEREAS, the County desires to extend the moratorium, as amended, for a short period to finalize and adopt regulations; and

WHEREAS, in light of the foregoing recitals and findings, and incorporating the recitals and findings from Resolution 2017 BCC 26, after a duly noticed public hearing held on February 20, 2018, the Board desires to extend the moratorium, adopted on August 21, 2017, and as amended on November 21, 2017, to protect the public health, safety, and welfare, and to avoid development which, during the County's planning and land use regulation amendment process, may contravene the results of this study and process and put the public at risk.

NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

1. This extension of the moratorium, as amended, shall take effect immediately. The County Planning Department is directed not to accept, process, or approve any applications for uses of land that involve the treatment

of oil and gas waste and /or the storage or disposal of E&P waste or other oil and gas waste through injection wells which constitute commercial disposal well facilities and related operations to a commercial disposal well facility.

2. The temporary moratorium, as amended, shall remain in place until March 30, 2018, unless terminated or extended.

3. County staff is hereby directed to continue analyzing whether the County's Zoning Regulations pertaining to oil and gas operations are sufficient to protect the public health, safety and welfare, whether amendments to the County's Zoning Regulations are necessary to adequately address the impacts of these uses and drafting amendments to the County's Zoning Regulations.

4. The County hereby affirms that any treatment of oil and gas waste and/or the storage or disposal of E&P Waste and other oil and gas waste through injection wells without appropriate County approvals may be in violation of the Morgan County Zoning Regulations.

DATED this 20th day of February, 2018.

**BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

Mark A. Arndt, Chairman

Laura D. Teague, Commissioner

James P. Zwetzig, Commissioner

ATTEST:

Susan L. Bailey, Clerk to the Board