

## RESOLUTION 2013-50

### **EXTENDING UNTIL JUNE 24, 2013 THE TEMPORARY MORATORIUM IMPOSED IN RESOLUTION 2013-18 PERTAINING TO BOULDER COUNTY'S PROCESSING OF OIL AND GAS DEVELOPMENT APPLICATIONS IN THE UNINCORPORATED COUNTY**

**WHEREAS**, in Resolution 2012-16, adopted and effective on February 2, 2012, the Board of County Commissioners of Boulder County ("the Board") adopted a temporary moratorium for a period of six months, until August 2, 2012, and directed the County Land Use Department to not accept, process, or approve any Development Plan Review application for oil and gas operations under Article 4-900 of the Land Use Code ("the Temporary Moratorium") during this period; and

**WHEREAS**, on April 16, 2012, upon further consideration after additional public hearings and meetings, the expiration of the Temporary Moratorium was extended to February 4, 2013, for the reasons set forth in Resolution 2012-46; and

**WHEREAS**, on January 24, 2013, upon further consideration after additional public hearings and meetings, the expiration of the Temporary Moratorium was further extended to June 10, 2013, for the reasons set forth in Resolution 2013-18; and

**WHEREAS**, in response to numerous requests from the public for an opportunity to address the Board on matters concerning oil and gas development in Boulder County, the Board scheduled a hearing for May 16, 2013 to take public testimony; and

**WHEREAS**, after hearing the public testimony on May 16, 2013, the Board indicated a desire to consider the written and verbal testimony received and give staff further direction at a public meeting on May 21, 2013 and asked staff to bring forward options at that meeting for amending the Land Use Code to allow for phased development of oil and gas in Boulder County; and

**WHEREAS**, at the public meeting on May 21, 2013, the Board did not vote to further extend the Temporary Moratorium but directed staff to continue analyzing options for amending the Land Use Code to allow for phased development of oil and gas and, further, to analyze whether such amendments could be adopted prior to June 10, 2013; and

**WHEREAS**, at a duly noticed joint session of Planning Commission and the Board of County Commissioners on June 5, 2013, the two bodies heard a staff presentation on options for phasing in oil and gas development, to be implemented through text amendments to Article 12 of the Land Use Code under Docket DC-12-0003; both bodies listened to several hours of public testimony; and, after the Board left the hearing room, Planning Commission deliberated and ultimately voted 4-3 against recommending that the Board adopt the phasing program; furthermore, Planning Commission unanimously requested the Board reconsider extending the Temporary Moratorium; and

**WHEREAS**, County Commissioner Gardner was unable to attend the public hearing on June 5<sup>th</sup> due to a previously planned trip; and

**WHEREAS**, following several hours of public testimony on May 16, 2013, and June 5, 2013, the Board convened a duly noticed public meeting on June 6, 2013, which meeting Commissioner Gardner was again unable to attend due to the same previously planned trip, and at which meeting the Board indicated the need for additional time to absorb the extensive information provided before it would be in a position to take further action regarding county regulation of oil and gas development, given the need to absorb the extensive public testimony received at the May 16th and June 5th hearings, voluminous written comments received prior to those hearings, and the Planning Commission actions at the June 5th hearing, as well as a strong preference that major decisions on Boulder County regulation of oil and gas development be considered and acted on by the full Board; and

**WHEREAS**, the Board desires to schedule a meeting of the full Board for the soonest practical date after Commissioner Gardner's return and has determined that date to be June 18<sup>th</sup>.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Boulder County as follows:

1. To allow time for Commissioner Gardner to return and participate in further deliberations and action, the Board hereby tables Docket DC-12-0003 (phasing text amendments) to the time and date certain of 4:30 p.m. on June 18, 2013, and hereby extends the expiration date of the Temporary Moratorium to June 24, 2013.

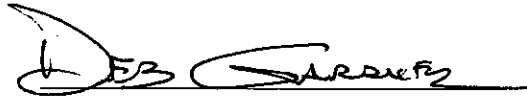
A motion to this effect was made at the June 6<sup>th</sup> public meeting by Commissioner Domenico, seconded by Commissioner Jones, and passed by a 2-0 vote of the Board, with Commissioner Gardner excused.

**ADOPTED** on this 11<sup>th</sup> day of June, 2013, nunc pro tunc the 6<sup>th</sup> day of June, 2013.

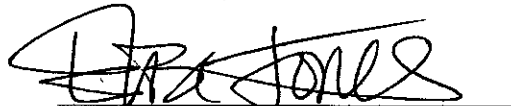
**BOARD OF COUNTY  
COMMISSIONERS OF BOULDER  
COUNTY:**



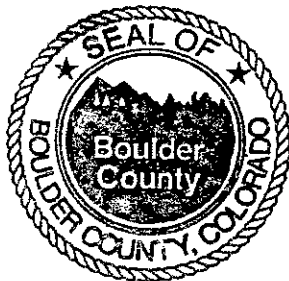
Cindy Domenico, Chair



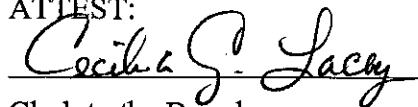
Deb Gardner, Vice Chair



Elise Jones, Commissioner



ATTEST:



Clerk to the Board