

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

RESOLUTION NO. 2017 BCC 52

A RESOLUTION AMENDING THE TEMPORARY MORATORIUM IMPOSED BY MORGAN COUNTY ON THE 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 Commissioners imposed a moratorium on the County's processing of application for proposed injections 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 Zoning Regulations;

WHEREAS, the County has held several public work sessions on the oil and gas operations and applicable regulations;

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 *et seq.*, 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 Local Government Land Use Control Enabling Act authorizes local governments within their respective jurisdictions to plan for and regulate the use of land by, among other actions, regulating development and activities in hazardous areas; protecting land from activities that would cause immediate or foreseeable material danger to significant wildlife habitat; regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and otherwise planning for and regulating the use of land so as to provide for the planned and orderly use of land; and

WHEREAS, the Board desires to amend the temporary moratorium to limit its application to commercial disposal well facilities and operations, as that term is defined herein.

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

1. This amendment to the temporary moratorium 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. For purposes of this temporary moratorium, commercial disposal well facility shall mean a facility whose primary objective is disposal of exploration and production waste from a third party for financial profit. All other portions of the moratorium not affected by this amendment shall remain in effect.

2. This temporary moratorium shall remain in place until February 21, 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, or whether amendments to the County's Zoning Regulations are necessary to adequately address the impacts of these uses.

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 21st day of November, 2017.

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

James P. Zwetzig, Chairman

Laura D. Teague, Commissioner

Mark A. Arndt, Commissioner

ATTEST:

Susan L. Bailey, Clerk to the Board