

ORDINANCE NO. 15, Series 2018
INTRODUCED BY:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, PROVIDING FOR A 90-DAY EXTENSION OF THE MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF ANY LAND USE APPLICATIONS, INCLUDING SPECIAL USE REVIEW APPROVAL, FOR OIL AND GAS OPERATIONS

WHEREAS, on November 6, 2017, the City Council of the City of Lafayette passed Ordinance No. 43, Series 2017, imposing a 6-month moratorium on the submission, acceptance, processing and approval of any and all land use applications related to the use of property within the City for the exploration or extraction, and related operations and activities, of oil and gaseous materials (the “Moratorium”); and

WHEREAS, the Moratorium is scheduled to expire on May 18, 2018; and

WHEREAS, since the enactment of Ordinance No. 43, Series 2017, Lafayette has engaged special legal counsel to assist the City’s staff in preparing proposed regulations to address the use of land in Lafayette for the exploration and extraction of oil and gaseous materials; and

WHEREAS, the City of Lafayette, through its staff and special legal counsel, has been directly involved and participated in rule making proceedings before the Colorado Oil and Gas Conservation Commission (“COGCC”) pertaining to certain activities associated with the exploration and extraction of oil and gaseous materials, resulting in certain rules adopted at the state level pertaining to the design, installation, maintenance, testing, tracking and abandoning of flowlines associated with oil and gas activities; and

WHEREAS, the outcome of the rulemaking proceedings impacted the timing and preparation of Lafayette’s proposed new land use regulations pertaining to oil and gas operations; and

WHEREAS, the City staff, along with their special legal counsel, and in conjunction with Boulder County’s staff, have prepared a proposed draft of comprehensive oil and gas land use regulations for presentation to City Council to consider for enactment; and

WHEREAS, the proposed draft of the regulations is currently being circulated among stakeholders and other interested parties for their comments prior to formal action by City Council; and

WHEREAS, based upon the current schedule, City Council anticipates that it will be in a position to consider an ordinance enacting revised land use regulations pertaining to oil and gas activities in late June or early July of 2018; and

WHEREAS, City Council believes that maintaining the existing moratorium is necessary until such time as Council has had an opportunity to consider, and potentially enact, new land use

regulations that are intended to protect the City and its citizens from the negative impacts of oil and gas exploration and extraction; and

WHEREAS, in order to protect and preserve the public's health, safety and welfare, City Council wishes to extend the existing moratorium; and

WHEREAS, a short extension of approximately three months is deemed to be the minimum period of time necessary to allow for complete consideration of the proposed regulations by City Council, the public, and the stakeholders; and

WHEREAS, owners and developers of real property in the City will not be unfairly prejudiced by a short, 3-month extension of the Moratorium.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein and made a part of this ordinance.

Section 2. The Moratorium imposed by Ordinance No. 43, Series 2017, which was originally to expire on May 18, 2018, shall be extended until August 22, 2018, unless terminated earlier by City Council.

Section 3. During the pendency of the Moratorium, as extended, the City Council shall retain the power to grant special exceptions as provided for in Section 6 of Ordinance 43, Series 2017.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 6. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 7. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE _____ DAY OF _____, 2018.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE _____ DAY OF _____ 2018.

CITY OF LAFAYETTE, COLORADO

Christine Berg, Mayor

ATTEST:

APPROVED AS TO FORM:

Susan Koster, CMC
City Clerk

David S. Williamson
City Attorney