

ORDINANCE NO. \_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ENACTING A MORATORIUM ON THE ACCEPTANCE, **PROCESSING** OR APPROVAL OF OIL AND GAS PERMIT APPLICATIONS FOR THE PERMITTING, CONSTRUCTION, EXPANSION AND LOCATION OF WELLS, ACCESSORY EQUIPMENT, **PIPELINES**, OR STRUCTURES WITHIN THE CITY

WHEREAS, the City permits well sites and oil and gas facilities (collectively "Oil and Gas Facilities") under its Building and Zoning code in order to facilitate development and mitigate potential land use conflicts between oil and gas development and existing and planned land uses (Aurora Municipal Code, Ch. 146-1207(A)); and

WHEREAS, the City last updated its rules for Oil and Gas Facilities contained in Aurora Municipal Code, Ch. 146-1207 in 2014; and

WHEREAS, since 2014, the nature of operations occurring at, or affecting, Oil and Gas Facilities such as the availability of pipelines, drilling of multiple wells per pad, use of centralized gathering facilities, tankless operations, and others, have changed significantly; and

WHEREAS, methods and technologies to reduce impacts to public health and the environment associated with Oil and Gas Facilities have improved and expanded significantly since 2014; and

WHEREAS, as a result of the November 2018 statewide general election, the political make-up of the general assembly, as well as the executive branch, has altered and it is anticipated that legislative changes affecting oil and gas regulations at the state level, as well as the authority to regulate on the local level, will be forthcoming in the 2019 legislative session; and

WHEREAS, City Council has requested that Staff and Outside Counsel update the City Building and Zoning in order to implement anticipated broader local authorities related to oil and gas development and to better reflect modern oil and gas operational characteristics and best management practices to mitigate potential impacts to public health and the environment; and

**WHEREAS, Staff has been negotiating Operating Agreements with certain Operators with enhance Best Management Practices for the permits of wells in certain pad locations within the City of Aurora;** and

WHEREAS, local governments are granted broad authority to plan for and regulate the use of land within their respective jurisdictions (see, C.R.S. § 29-20-102(a); *City of Fort Collins v. Colo. Oil and Gas Ass'n*, 369 P.3d 586 (Colo. 2016); and

WHEREAS, the City Council finds it necessary to establish a moratorium of temporary and reasonable duration on acceptance or approval of oil and gas permit applications within the City, in order to implement anticipated broader local authorities related

to oil and gas development and to better reflect modern oil and gas operational characteristics and best management practices to mitigate potential impacts to public health and the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. There shall be a moratorium upon the acceptance and approval of oil and gas permit applications for the permitting, construction, expansion and location of wells, accessory equipment, structures, **or pipelines** within the City with the exception of those **wells in the process of being permitted pursuant to an operating agreement**. The purpose of this moratorium is to provide time for the City to update its oil and gas ordinance in light of anticipated broader local authorities related to oil and gas development and in order to ensure the ordinance reflects modern oil and gas operational characteristics and best management practices.

Section 2. Definitions. The following definitions shall be utilized in the application of this Ordinance:

(1) "Oil and Gas Facility" means equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.

(2) "Well Site" mean surface area of a proposed or existing well or wells and its pumping systems.

Section 4. The moratorium shall be for a period of six months from the effective date of this ordinance.

Section 3. All ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 4. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

INTRODUCED, READ, AND ORDERED PUBLISHED this \_\_\_\_ of \_\_\_\_\_, 2019.

PASSED AND ORDERED PUBLISHED this \_\_\_\_ of \_\_\_\_\_ 2019.

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BOB LEGARE, Mayor

ATTEST:

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STEPHEN J. RUGER, City Clerk

APPROVED AS TO FORM:

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CHRISTINE MCKENNEY,  
Interim Client Manager