

ORDINANCE NO. 11-\_\_\_\_\_

AN EMERGENCY ORDINANCE CREATING A SIX (6) MONTH MORATORIUM ON THE ACCEPTANCE OR PROCESSING OF ANY LAND USE APPLICATION, ANY PERMIT APPLICATION OR ANY OTHER APPLICATION REQUESTING APPROVAL TO CONDUCT OIL AND GAS EXPLORATION, EXTRACTION AND/OR OPERATIONS ACTIVITIES WITHIN THE CITY LIMITS

WHEREAS, the City of Colorado Springs was built, in part, on the entrepreneurial skills of miners and the mining industry; and

WHEREAS, the City recognizes the importance of the mining industry and has taken steps to minimize its impacts on the health, safety and welfare of the City and its citizens through zoning and land use regulations pertaining to mining and the extraction of natural products such as sand, gravel, topsoil, limestone and coal; and

WHEREAS, there has been considerable interest in potential oil and gas resources underlying large portions of the City; and

WHEREAS, the exploration for and extraction of liquid and gaseous resources presents health, safety and welfare issues and are not specifically defined land uses in the City's zoning and land use regulations; and

WHEREAS, the lack of specific oil and gas exploration, extraction and/or operations activities land use regulations fails to address the unique aspects of oil and gas exploration, extraction and/or operations activities that may impact the public health, safety and welfare differently than a traditional mineral mining activity; and

WHEREAS, oil and gas exploration, extraction and/or operations activities may negatively impact the use and integrity of water supplies and water infrastructure, air quality, roads and transportation infrastructure, wastewater infrastructure, and aesthetic values; and

WHEREAS, City Code § 7.2.102 sets forth the purpose and intent of the City's zoning and land use regulations is "to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such

as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions;" and

WHEREAS, the lack of specific land use regulations for oil and gas exploration, extraction and/or operations activities has illustrated the need for a more comprehensive study of the impacts of oil and gas exploration and extraction activities to determine whether the existing zoning and land use regulations pertaining to mining activity uses are sufficient to protect the public health, safety and welfare or whether new regulations will be necessary to mitigate the impacts of oil and gas exploration and extraction activities in accord with City Code § 7.2.102; and

WHEREAS, it is the City's belief that oil and gas exploration, extraction and/or operations activities may commence on property within the City limits within the next six (6) months; and

WHEREAS, if land use applications, permit applications or any other applications requesting approval to conduct oil and gas exploration, extraction and/or operations activities within the City limits are submitted prior to the City having adequate land use regulations in place, the City believes irreparable harm may be done to the public health, safety and welfare; and

WHEREAS, in light of the imminent request to begin oil and gas exploration and extraction activities within the City limits and the lack of specific land use and zoning regulations, an emergency exists in accord with City Charter § 3-90; and

WHEREAS, to address this emergency, City Council finds and determines that a six (6) month moratorium on the acceptance or processing of any land use applications, permit applications or any other applications requesting approval to conduct oil and gas exploration, extraction and/or operations activities within the City limits is necessary and reasonable for the purpose of studying the impacts of this type of use and determining whether additional land use and zoning regulations are necessary to protect and preserve the public health, safety and welfare.

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

Section 1. A public emergency affecting life, health, property, and the public peace exists in that the submittal of any land use applications, permit applications or any other applications requesting approval to conduct oil and gas exploration, extraction and/or operations activities within the City limits are

imminent and the City does not have comprehensive zoning or land use regulations in place that specifically define this type of land use and mitigate impacts of this type of activity to protect and preserve the public health, safety and welfare.

Section 2. To address this public emergency, City Council hereby immediately imposes a six (6) month moratorium on the acceptance or processing of any land use applications, permit applications or any other applications requesting approval to conduct oil and gas exploration, extraction and/or operations activities within the City limits, with the six (6) month period to run from December 1, 2011 to and including May 31, 2012.

Section 3. City Council finds that this six (6) month moratorium period is reasonable and necessary to permit the City to study the impacts of this type of use and determine whether additional land use and zoning regulations are necessary to protect and preserve the public health, safety and welfare.

Section 4. This six (6) month period may be extended prior to its expiration by an amendment to this emergency ordinance. Any extension shall comply with City Charter § 3-90.

Section 5. This emergency ordinance shall be in full force and effect immediately.

Section 6. This emergency ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 7. Council deems it appropriate that this emergency ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, and finally passed, adopted and approved as an emergency ordinance this \_\_\_\_ day of \_\_\_\_\_, 2011.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Scott Hente, Council President

**Mayor's Action:**

- Approved: \_\_\_\_\_
- Disapproved: \_\_\_\_\_, based on the following objections:

\_\_\_\_\_  
Steve Bach, Mayor

**Council Action:**

- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Amended and resubmitted \_\_\_\_\_.

\_\_\_\_\_  
Scott Hente, Council President

ATTEST:

\_\_\_\_\_  
City Clerk