

**RESOLUTION NO. 2014-8**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, AMENDING ARTICLE II, OIL AND GAS, OF CHAPTER 90, OF THE LA PLATA COUNTY LAND USE CODE**

**WHEREAS**, pursuant to the Colorado Planning Code, C.R.S. §§ 30-28-101, et seq., the Board of County Commissioners of La Plata County, Colorado (the "Board") is empowered to plan and provide for the physical development of the unincorporated territory of La Plata County (the "County");

**WHEREAS**, the Local Government Land Use Control Enabling Act, C.R.S. §§ 29-20-101, et seq., empowers the Board to plan for and regulate the use of land within the unincorporated territory of the County, including but not limited to: regulating the use of land on the basis of the impact thereof on the community or surrounding areas; regulating the location of activities and developments that may result in significant changes in population density; providing for phased development of services and facilities; and otherwise planning for and regulating use of land so as to provide for the planned and orderly use of land;

**WHEREAS**, Colorado counties possess those powers enumerated by the Colorado Constitution and Colorado Revised Statutes and such further incidental implied powers as are reasonably necessary to carry out the express powers;

**WHEREAS**, the Colorado Planning Code and Local Government Land Use Control Enabling Act constitute a broad delegation of authority to the County generally encompassing the subject of land use;

**WHEREAS**, pursuant to these authorities, the Board adopted land use regulations and subdivision regulations set forth in Subpart B of the La Plata County Code (the "Code");

**WHEREAS**, the Planning Commission for the County held a duly noticed public hearing on October 24<sup>th</sup>, 2013, and after receiving competent evidence at the hearing, made a recommendation to the Board to approve Project No. 2013-0302, Minor Amendment to LPLUC Sec. 90-77(b);

**WHEREAS**, the Board held a duly noticed public hearing on January 21<sup>st</sup>, 2014, and heard testimony and received competent evidence that Division II of Chapter 90 should be amended as more particularly set forth in the attached Exhibit A; and

**WHEREAS**, the Board received competent evidence that it would be in the best interest of the general health, safety and welfare of La Plata County citizens to amend Subpart B of the Code as set forth in the attached Exhibit A.

Returns: Boce

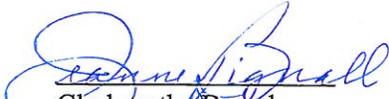
**NOW THEREFORE, BASED UPON THE EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC HEARINGS, BE IT RESOLVED BY THE LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS:**

1. That Subpart B of the La Plata County Code shall be and is hereby amended as set forth in the attached Exhibit A.
2. The enactment of this Resolution is necessary for the immediate preservation of public health, safety and welfare and, therefore, this Resolution shall take effect immediately.

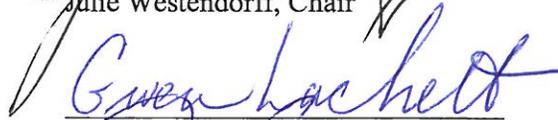
**DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this 21<sup>st</sup> day of January, 2014.**

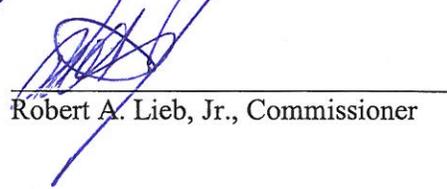
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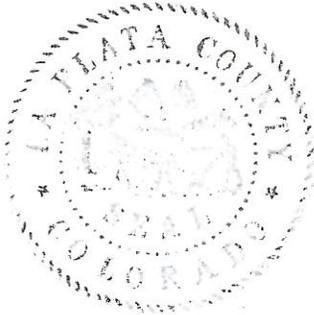
BOARD OF COUNTY COMMISSIONERS OF  
LA PLATA COUNTY, COLORADO

  
Clerk to the Board

  
Julie Westendorff, Chair

  
Gwen Lachelt, Vice-Chair

  
Robert A. Lieb, Jr., Commissioner



## **Exhibit A**

### **Sec. 90-77. Notice.**

(b) Written notice shall be provided to the current surface owner as well as surface owners of the parcels of land within one-quarter mile (1,320 feet) of the wellhead prior to re-drilling any oil or gas well that does not trigger the requirement to submit a Form 2A to the COGCC. This notice is for informational purposes only and does not confer any right of appeal under this Article. The notice shall be mailed no less than ten days prior to commencement of re-drilling activities at the wellhead and shall include the following information:

- (1) A general description of the work to be performed during the re-drill.
- (2) A good faith estimate as to the length of time in days it will take to complete the re-drill.
- (3) The anticipated daily hours of operation for the equipment at the wellhead during the re-drill.

(Res. No. 2008-33, § I (Exh. A), 11-17-2008, Res. No. 2014-8, §(Exh. A), 1-21-14)